

**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 2022 to June 2023 (FY2023), which represents the Board's and the Office's fiscal year. The majority of the statistical information, however, is based upon calendar year 2022, unless otherwise noted.

### **Highlights from the Board and the Office of the Director.**

Fiscal year 2023 was a stable and solid year for the Board and the OLPR. Most notably, at the Court's invitation, the ABA Standing Committee on Professional Regulation completed a review of the Minnesota Lawyer Discipline System. This is the second time the ABA has conducted such a review, and the 67<sup>th</sup> time overall that the ABA has provided this service to jurisdictions around the country. In September, the Committee issued a 94-page report with 25 recommendations for the Court's consideration. The report noted numerous strengths, including the Court's long-standing commitment to transparent leadership, and its commitment to adequate funding for the operations of the system, extensive volunteer engagement, a robust website, a strong commitment from the Office to improve case processing times, and the numerous options for non-English speakers to file claims and participate in the process. The report's recommendations centered around structure, investment, processes and rule changes, aimed at enhancing the overall effectiveness of the discipline system. The Court published the report and solicited feedback from all stakeholders. As of this writing, the Court plans to issue its decisions on next steps in early FY24. The Office and the Board look forward to working collaboratively to implement decisions the Court makes.

Calendar Year 2022 saw an increase in public discipline, with 36 attorneys receiving public discipline, compared to 28 in 2021. Private discipline was down slightly, with 88 attorneys receiving private discipline compared to 97 in 2021. The trend for discipline remains that the more seasoned attorneys are the ones who receive the most discipline, as compared to their more junior colleagues. Specifically, as shown in Tables VII and VIII, attorneys practicing between 11-20 and 21-30 years received the most public and private discipline, as compared to attorneys with less than 11 years of experience. In 2022, three lawyers were transferred to disability inactive status in lieu of discipline, compared to one in 2021. Trusteeships, when lawyers pass away without a succession plan or abandon their practices for a variety of reasons, continue to remain active.

Most District Ethics Committees (DECs) continue to meet in a hybrid fashion, although some have returned to in-person meetings. The number of DEC investigations has largely returned to pre-pandemic levels. The annual Lawyers Professional Responsibility Seminar in September 2022 was hybrid. The 2023 Seminar will be held in-person with a virtual option at the Wilder Foundation Center in St. Paul on September 22, 2023.

The first half of 2023 remains generally consistent with 2022 in matters of public attorney discipline. Three attorneys have been disbarred. As of May 31, 2023, a total of 16 attorneys have been publicly disciplined: three disbarred, 12 suspended and one publicly reprimanded and placed on probation. Private discipline year to date is down slightly from 2022 and is modestly down from recent years.

### **Complaint Filings.**

The number of complaints received in 2022 was 1,020, up from 946 in 2021. Closings were also up year over year (1,030 v. 909), for a calendar year-end file inventory of 471. Tables outlining these and related statistics are at A. 3 - A. 10.

Files open at start of 2022:	479
Complaints received in 2022:	1,020
Files closed in 2022:	1,030
Files open at end of 2022:	471

Complaint filings for the first six months of 2023 are ahead of 2022 numbers.

**Public and Private Discipline.**

In 2022, 36 lawyers were publicly disciplined: five attorneys were disbarred, 21 were suspended, six were reprimanded and placed on probation, and four were reprimanded. The five disbarred attorneys were Gregory Anderson, Geoffrey Colosi, Peter Lennington, Matthew McCollister and Jesse Powell.

During 2022, 81 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.” While the overall numbers of admonitions were down, the percentage of cases closed with an admonition remains fairly consistent year over year. This number may well be impacted in the future if the Court adopts one of the primary recommendations of the ABA report, namely, diversion programs for non-serious misconduct. Prior year totals are as follows:

	2015	2016	2017	2018	2019	2020	2021	2022
Admonitions	115	115	90	117	107	82	88	81
Total Files Closed	1332	1264	1073	1115	1029	969	906	1030
%	9%*	9%	8%	10%*	10%	8%*	10%	8%

\*Percentage amount corrected

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

There were also seven matters closed with private probation in 2022; nine matters closed with private probation in 2021.

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

The annual Professional Responsibility Seminar was held on September 23, 2022. Sessions included a presentation on acknowledging and challenging implicit bias in decision-making, drafting a high-quality investigative report and other legal writing tips, well-being tips and signs a lawyer is not well, an update from Justice Natalie Hudson, Board perspectives on DEC investigations, a session on how the OLPR follows or departs from District Ethics Committee recommendations, and commonly misunderstood or misapplied rules.

Volunteer of the Year Awards were presented to Jeanette Boerner and Larry Baill. Jeanette served as a member of the Lawyers Professional Responsibility Board from 2017—2023 and served as Chair since 2020. Jeanette was nominated by her fellow Board members who noted that she has repeatedly gone above and beyond her duties as Chair, while doing so with vision, grace, dignity, and wisdom. Larry is a Fourth District DEC volunteer member and was nominated by several of his fellow DEC members, who said that Larry has been a tireless, dedicated, thoughtful, and inquisitive investigator for a number of years. His input and questions are always greatly valued at every meeting he attends. He has also been an invaluable mentor to numerous new investigators. 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.

Each year, attorneys in the Office devote substantial time to CLE presentations and other public speaking opportunities in an effort to proactively educate the bar about professional responsibility issues. A full list of those engagements can be found at A. 16 – A. 17. This year, staff spoke at 34 events, devoting significant time to educating the profession.

## II. LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

### A. 2022-23 was a time of transition for the Board.

2022 – 2023 was a time of transition for the Board. Jeanette Boerner, a member since 2017 and the Board’s chair from 2020 – 2023, completed her term of service on January 31, 2023. Chair Boerner led the Board through most of the COVID-19 pandemic. Her steadfast service and guidance was instrumental in helping the Board perform its important duties during that difficult time. In addition, five other Board members – Peter Ivy, Virginia Klevorn, Mary Waldkirch Tilley, Allan Witz, and Julian Zebot – completed their terms of service on January 31, 2023.

The Minnesota Supreme Court appointed Benjamin J. Butler as the Board’s Chair effective February 1, 2023. The Court also appointed six new Board members to begin their terms that day. This was the largest single turnover in terms of leadership and membership in the Board’s recent history. Nonetheless, the Board has smoothly and effectively conducted its business, training and incorporating its new members while allowing its more experienced members to share their institutional knowledge and wisdom.

### B. The Board provided the Court with feedback and ideas on the future of attorney regulation in Minnesota.

Other than adjudicating individual cases (discussed further *infra.*), the Board’s primary work in 2022-23 was advising the Minnesota Supreme Court on the future of the attorney regulation system in our state. This advice came primarily in two forms. First, on February 1, 2023, the Board submitted a 37-page response to the Report of the American Bar Association’s Standing Commission on Professional Regulation. Before submitting the report, the Board candidly discussed the ABA’s recommendations. The Board also consulted with stakeholders; it met separately with the Director of the OLPR and her staff and with attorneys who regularly represent attorney-respondents in disciplinary proceedings. The Board considered input from both groups before issuing

its response. Chair Butler, immediate past chair Boerner, and attorney member William Pentelovitch authored the response on the Board's behalf.

In its response, the Board endorsed many of the ABA's recommendations, such as the need for further separation between the Board and the OLPR and the desirability of establishing a diversion program for attorney discipline cases. When the Board disagreed with ABA recommendations, it provided rationales for its position and often provided suggestions for alternative ways to address the ABA's concerns. Chair Butler participated in the public hearing on the ABA's report.

Second, on February 17, 2023, the Board submitted a petition to amend the Minnesota Rules of Professional Responsibility. The petition contained line-by-line suggestions for everything from "housekeeping" fixes to substantive ideas to improve the efficiency and transparency of the attorney regulation system. The Court deferred consideration of the petition until it makes relevant decisions regarding the ABA report. The Board stands ready to help implement any decisions the Court makes in these areas.

**C. The Board reorganized itself and its policies to improve efficiency.**

The Board in 2022-23 reorganized its structure to ensure that it was adjudicating cases as expeditiously as possible while giving new members the opportunity to gain experience before being elevated to leadership roles. To ensure that no new member had to serve as a Panel Chair during their first year of membership, the Board reduced the number of panels from 6 three-person panels to 5 four-person panels. For each case assigned, the Panel Chair (an experienced attorney member) assigns two colleagues (at least one of whom must be a public member) to work with the Panel Chair on the case. This system has been a success and has allowed Board members to spread out the amount of work assigned throughout the year. It has also afforded new members the opportunity to learn from their colleagues.

With the same goals in mind, the Board reduced the size of its Executive Committee to three members: Chair Butler, Vice-Chair Susan Rhodes (an attorney member), and Antionette Watkins (a public member). This structure does not strictly comply with Rule 4, RLPR, which requires a five-person Executive Committee. The Board recognized that strict compliance would substantially hinder its work by drastically reducing the number of experienced members who can decide cases and leaving the most inexperienced members without close mentors. In addition, experience had shown that the Executive Committee can carry out its duties with three members. The Executive Committee has lived up to each and every one of its responsibilities. The Board plans to re-visit these areas at upcoming meetings.

The Board also streamlined its Executive Committee policies. Many of those policies had not been reevaluated, reconsidered, or edited in decades. They had become cumbersome and were too long and disorganized to be of much use. Accordingly, in January 2023 the Board, after consultation with the OLPR, consolidated and amended the policies to number only six, running a total of 13 pages. The amended policies are simpler, easier to use, and more effective. At its January 2023 meeting, the Board also replaced the Panel Manual with a revised FAQ for Panel Proceedings. The goal of this user-friendly document was to provide information to complainants and respondents regarding how panel proceedings are typically conducted.

In March 2023, the Board enacted a seventh policy concerning the media and media relations. The unanimously approved policy clarifies Board member responsibilities regarding media contacts. It will help to protect confidential information and will ensure that the Board speaks with one voice if public comment is appropriate.

Finally, the Board streamlined its committees to be more responsive and flexible. The Board maintained its Rules and Opinions Committee, chaired by Daniel Cragg.

That committee has before it several projects, including responses to Justice Paul Thissen’s call for consideration of issues surrounding the use of “aggravating factors” in attorney discipline cases. *See In re Udeani*, 984 N.W.2d 550, 556 (Minn. 2023) (Thissen, J., concurring).

Going forward, the Board will also convene ad hoc committees on a task-by-task basis. This will allow members to work on projects that interest them or on which they have particular expertise without having to make lengthy commitments of their volunteer time. One such committee, chaired by public member Michael Friedman, is currently considering a request of the Great Northern Innocence Project for the Board to recommend that the Court amend Minnesota Rule of Professional Conduct 3.8, concerning special responsibilities of a prosecutor. Future ad hoc committees could be empaneled to consider, among other things, issues related to diversity, equity, and inclusion in our attorney regulation system, or other potential suggestions for rule amendments.

**D. The Board continues to efficiently decide cases.**

One key role for Board members is deciding complainant appeals. Records in these cases can be voluminous, particularly if there was an investigation performed by the OLPR or a District Ethics Committee. Nonetheless, Board policy encourages decisions to be made within 30 days of assignment. Board members are exceeding that goal. In 2022, Board members were assigned 158 complaint appeals and decided them in an average of 20 days. From January through June of 2023, Board members were assigned 68 complaint appeals and decided them in an average of 22 days.

Board panels are similarly busy. Panels make probable cause determinations on petitions for public discipline, decide appeals by respondents of admonitions by the OLPR, and preside at hearings and make recommendations about attorney reinstatement cases. In 2022, the panels were assigned 31 panel matters with probable-

cause determinations constituting most assignments. From January 1, 2023 to June 28, 2023, the panels have been assigned 14 matters with probable cause determinations and reinstatements constituting most matters assigned.

**E. The Board and its members have participated in training sessions.**

The Board and its members participated in several training sessions in 2022-23. In 2022, Board members participated in a panel discussion on investigations at the attorney-regulation system's annual seminar for members of District Ethics Committees. In 2023, Minnesota Court of Appeals judges Diane Bratvold and Theodora Gaitas presented to the Board a training on how to effectively write findings of fact, conclusions of law, and recommendations. This training was primarily geared towards helping the Board improve the documents it submits for review by the Minnesota Supreme Court in attorney-reinstatement and admonition-appeal cases. The Board looks forward to continuing to participate in training sessions in 2023-24.

**III. DIRECTOR'S OFFICE.**

**A. Budget.**

Expenditures for the fiscal year ending June 30, 2023, are projected to be approximately \$4.2 million. The projected reserve balance at the end of FY23 is projected to be approximately \$217,000. FY23 expenses are favorable to budget, and revenues are also anticipated to be favorable to budget even without the reallocation of \$1.5 million from the Client Security Board, which will be made when necessary as reserve funds with the Client Security Board earn interest.

The Director's Office budget—which also includes funding for the Lawyers Board—is funded primarily by lawyer registration fees (\$135 for most lawyers), and therefore is not dependent upon legislative dollars. FY23 projected revenue from all sources is just over \$3.8 million. For the last decade or so the Office has been in deficient spending with expenses exceeding revenue, primarily due to increases in personnel costs, with largely flat revenue from attorney registration. 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 current biennium. In May 2021, the Court approved modest increases in lawyer registration fees going forward to supplement 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. The final increase will go into effect on October 1, 2023, increasing our funding from \$135 for most lawyers to \$142. Because the number of lawyers entering the profession is largely static, given retirements and resignations, decisions will need to be made to ensure adequate funding beyond the FY24-25 biennium.

**B. Personnel.**

The Director's Office employs 13 attorneys including the Director, five paralegals, an investigator, an auditor, an office administrator, nine support staff and two law clerks (*see* organizational chart at A. 18). Personnel highlights in FY23 include the promotion of Binh Tuong to Deputy Director, and Krista Barrie to Managing Attorney.

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

The OLPR website continues to be updated regularly to ensure it remains current. The Office has secured a vendor and is in the process of upgrading its website, which should be completed in 2023. Attached at A. 19 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 and run on a SharePoint 2013 platform. Minnesota Judicial Branch IT will be transitioning those sites to SharePoint 2019 in early FY24. 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 part-time DEC/SharePoint Coordinator as the main contact for

volunteers regarding questions about the sites as well as their volunteer service. 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, as assigned by the Board Chair. The Director’s Office received 174 complainant appeal determinations in 2022, compared to 132 appeal determinations received in 2021. Of those 174 determinations, 158 complainant appeals were both assigned to reviewing Board members and completed in 2022.

A breakdown of the 174 determinations made by reviewing Board members in 2022 is as follows:

		<u>%</u>
Approve Director’s Disposition	157	90
Direct Further Investigation	15	9
Instruct Director to Issue an Admonition	0	0
Instruct Director to Issue Charges	2	1

Approximately 250 clerical hours were spent in 2022 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 2022, the Director opened 20 new probations, 14 of which were public and six private. Fifty percent of the new public probations were supervised; none of the new private probations were supervised. Eight of the new probations were ordered as a condition of reinstatement to the practice of law.

In 2022, the Director filed two petitions for revocation of probation and for further discipline. There were no petitions for revocation filed in 2021.

Probations involving mental health and chemical dependency remain an ongoing concern. In 2022, two of the 20 new probations, or 10%, involved lawyers with mental health issues and/or substance use issues. Of the 77 open probations in 2022, approximately 22% percent (17 probations) implicated consideration of lawyer wellness issues—either as part of the underlying disposition, or as a specific term of probation monitoring.

The Court transferred no probationers to disability inactive status. Twelve of the new probations, or 60%, resulted from violations of safekeeping of property. Seven of the new 2022 probations involved experienced lawyers who had 20 or more years of practice, five with 30 or more years of practice, and four with 40 or more years of practice.

During 2022, 21 Minnesota attorneys served as volunteer probation supervisors. Their volunteer service to assist lawyers in need is greatly appreciated. Six attorneys, five paralegals and an auditor staff the probation department, and consistently commit between 40-50 hours collectively per week. Additional probation statistics are provided at A. 14-A. 15.

#### **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, the Supreme Court or other third parties; 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 advisory opinion service remains one of the most valuable outreach tools to the profession the Office has.

In 2022, the Director's Office received 1,683 requests for advisory opinions, compared to 2,004 in 2021, a 16% decrease from 2021. (A. 11.) Table XIII at A. 12 shows the areas of inquiry of opinions.

In 2022, the Director's Office expended 395 assistant director hours in issuing advisory opinions. This compares with 435 hours in 2021. Dissolution/custody and criminal matters were the most frequently inquired about areas of law, then litigation and estate planning/wills and trusts. Client confidentiality (Rule 1.6) was the most frequent area of specific inquiry, along with conflict of interest (Rule 1.7), communication (Rule 1.4) and conflict – former clients (Rule 1.9).

#### **G. Overdraft Notifications.**

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 ensure compliance with Rule 1.15, MRPC, and Appendix 1.

Twenty-seven account overdraft notices were reported to the Director in 2022, which was ten less than the number reported in 2021 (37). During 2022, the Director converted eleven overdraft inquiries into disciplinary files. The most common reasons for opening a disciplinary file were shortages (four) and comingling (two), which are

often the result of significant record-keeping deficiencies. Additional reasons for opening discipline files included improper books and records, failure to cooperate, and improper use of a trust account for personal/business expenses. The Director closed 37 overdraft inquiries in 2022, up from the 36 closed in 2021. Of these closures, 24 were closed without a disciplinary investigation. In 23 of the 25 closures, or 92 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 2022, the 24 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	9
Bank error	7
Mathematical/clerical error	4
Attorney Deceased	1
Other	3

A total of 235.5 hours – 55.5 hours of attorney time and 180 hours of auditor/staff time – was spent administering the overdraft program in 2022. This was an increase from the 145.25 hours spent in 2021. We attribute this increase in time, despite the decrease in the number of cases, to the training of staff new to the overdraft program, increased back and forth discussion during the overdraft phase between staff and the respondents, and collaborative meetings between the OLPR and the IOLTA team.

One attorney and one paralegal have historically staffed the overdraft program. The paralegal who has administered the overdraft program since its inception retired mid-year 2021, and the forensic auditor took over the paralegal’s overdraft program responsibilities. The forensic auditor’s responsibilities include conducting the Office’s disciplinary and probationary trust and business account books and records reviews

and audits, with additional paralegal backup. Two attorneys handled the overdraft program at different times during 2022.

Since the inception of the trust account program in 1990 through 2022, approximately<sup>1</sup> 3,101 overdrafts have been reported to the Director. Of those total overdrafts, 386, or approximately 12.4 percent, were converted into disciplinary investigations. Those 386 disciplinary investigations were resolved as follows:

**Public Dispositions:**

Disbarment	26
Suspension	83
Public reprimand/probation	40
Disability inactive status	6
<b>TOTAL PUBLIC:</b>	<b>155</b>

**Private Dispositions:**

Private probation	133
Admonition	57
Panel admonition	4
Dismissals	31
<b>TOTAL PRIVATE:</b>	<b>225</b>

At the conclusion of 2022, six disciplinary investigations were ongoing.

**H. Judgments and Collections.**

In 2022, judgments totaling \$37,886 were entered in 30 disciplinary matters. The Director's Office collected a total of \$23,986.15 from judgments and orders entered during or prior to 2022. Of the amount collected in 2022, \$517.05 was received through the Department of Revenue's revenue recapture program.

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<sup>1</sup> Data for the years 1990 and 1991 is not available so the number of reported overdrafts for those years has been estimated.

In 2021, judgments totaling \$28,685 were entered in 31 disciplinary matters. The Director’s Office collected a total of \$24,206.17 from judgments and orders entered during or prior to 2021. The amount collected in 2022 was only slightly less than the amount collected in 2021, though the total amount in judgments was higher. Of note, there were a number of attorneys who requested payment plans allowing them to pay judgments over a period of time. Overall, the amounts collected in 2022 is consistent with prior years: \$27,428.65 in 2020; \$24,579 in 2019; and \$24,008 in 2018.

**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 2022:

	<u>No. of Requests</u>	<u>No. of Attorneys</u>	<u>Discipline Disclosed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	199	199	5	4
B. Individual Attorneys	369	369	14	1
C. MSBA	9	64	10	2
D. Governor’s Office	30	122	10	2
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	143	143	5	1
F. F.B.I.	33	33	0	0
G. Miscellaneous Requests	16	32	1	1
<b>TOTAL</b>	<b>799</b>	<b>962</b>	<b>45</b>	<b>11</b>
(2021 totals for comparison)	889	1056	45	16

## **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 FY23, significant resources of the Office were dedicated to inventorying and returning client files, and otherwise administering the trusteeship department of the Office. Although it can be burdensome, stepping in to assist former clients of deceased lawyers remains a valuable service to the profession and family members of deceased attorneys that the Office is proud to provide.

In September 2021, the Director was appointed trustee over the client files and trust accounts belonging to deceased attorney Patricia G. Mattos. The Director completed her inventory of the files, contacted clients whose files are less than seven years old and/or contain a valuable original document(s), and returned or destroyed files pursuant to the clients' wishes. Additionally, the Director finalized her review of the trust account records and determined entitlement to the funds in the account. This trusteeship was closed in May 2023 and the Director's retention schedule for the remaining files is detailed below.

In February 2022, the Director was appointed trustee over the client files belonging to deceased attorney Edward H. Rasmussen. The Director has completed her inventory of the files and has contacted clients whose files are less than seven years old and/or contain a valuable original document(s). The Director is in the process of returning or destroying the files pursuant to the clients' wishes and anticipates closing this trusteeship in the near future.

In September 2022, the Director was appointed trustee over the client files belonging to a disbarred attorney who abandoned his client files, Ignatius C. Udeani. The Director is currently conducting an inventory of the 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 April 2023, the Director was also appointed trustee

over Mr. Udeani's trust account and is currently reviewing those records to determine entitlement to the funds in the account.

In July 2022, the Director closed the trusteeship of Aleksandra Ljubisavljevic and the Director's retention schedule for the remaining client files is detailed below.

The Director continues to retain the following client files:

- Rachel Bengtson-Lang trusteeship – valuable original documents are eligible for expunction in August 2023.
- Ronald Resnik trusteeship – valuable original documents are eligible for expunction in August 2023.
- Jan Stuurmans trusteeship – valuable original documents are eligible for expunction in June 2024.
- Francis E. Muelken trusteeship – 291 files are eligible for expunction in June 2024.
- Joel R. Puffer trusteeship – valuable original documents 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.
- David O.N. Johnson trusteeship – 20 files are eligible for expunction in December 2024, with the exception of documents the Director determines to be of value, which are eligible for expunction in December 2026.
- Steven B. Szarke trusteeship – 16 files are eligible for expunction in December 2024, with the exception of documents the Director determines to be of value, which are eligible for expunction in December 2026.
- Aleksandra Ljubisavljevic – 252 files are eligible for expunction in July 2025, with the exception of documents the Director determines to be of value, which are eligible for expunction in July 2027.

- Patricia G. Mattos – 179 files are eligible for expunction in May 2026, with the exception of documents the Director determines to be of value, which are eligible for expunction in May 2028.

#### **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 2021 (December 1, 2021—November 30, 2022), there were 69 new professional firm filings. Fees collected from professional firm filings are included in the Board’s annual budget. As of May 26, 2023, the Director’s Office received \$59,025 from 2,195 professional firm filings during fiscal year 2023. There were 34 new professional firm filings for the period of December 1, 2022—May 26, 2023. The Director’s Office received \$62,625 during fiscal year 2023.

An assistant director, paralegal, and administrative clerk staff the professional firms department. For fiscal year 2023 (as of May 26, 2023), the total attorney work time for overseeing the professional firms department was 50 hours. The total non-attorney time was 482 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. 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 229 DEC volunteers.

Initial review of complaints by practitioners and nonlawyers is valuable in reinforcing confidence in the system. The overall quality of the DEC investigative reports remains high. For calendar year 2022, the Director’s Office followed DEC recommendations in 86% 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 known, and thus, not considered by the DEC in making its recommendation. These matters are counted as not following the DEC recommendation.

In 2022, the monthly average number of files under DEC consideration was 89, fluctuating between a low of 81 and a high of 98. The year-to-date average for 2023 is 100, as of May 2023. Rule 7(c), RLPR, provides a 90-day goal for completing the DEC portion of the investigation. For calendar year 2022, the DEC completed 263 investigations, taking an average of four months to complete each investigation.

For calendar year 2022, files closed that had a DEC investigation, included the following dispositions (measured by the number of files, rather than lawyers):

Administratively closed	1
Admonition	49
Determination discipline not warranted	202
Panel Dismissal	1
SC Disability	1
SC Reprimand/Probation	3
SC Suspension	5
SC Stayed Probation	1

The annual seminar for DEC members will be held this year on Friday, September 22, 2023. All DEC members, plus members of the bench and bar with

connection to the discipline system, are invited. Active discipline system volunteers attend the 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, however, as of June 13, 2023, six 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 DEC Chairs continue to work to bring these districts into compliance.

## **V. SUMMARY.**

FY23 was a strong and productive year for the Board and the OLPR. New Board and OLPR team members continue to gain expertise and experience, and both wings of the attorney regulation system were energized by the receipt of the ABA report. The Board and the OLPR enjoying the process of evaluating the recommendations and working collaboratively with various stakeholders to provide information to the Court to be considered as it reviewed those recommendations. The Board and the Office have long appreciated the active engagement of the Court and its commitment to optimizing the fairness, effectiveness, transparency, accountability, and efficiency of Minnesota's professional responsibility and discipline system. We are fortunate to have hard-working, collaborative, positive and professional team members in the Office, and are particularly fortunate to work with a large number of dedicated volunteers on the Board and within the District Ethics Committees. We simply could not do what we do without these dedicated volunteers. While current funding is sufficient to see the Board and OLPR through the next biennium, due to funding needs, significant decisions will need to be made to ensure sufficient money to fund the operations of the attorney regulation system beyond this biennium. We extend a particular thank you to Justice

Natalie Hudson for her extraordinary liaison work. Her commitment to collaboration, fairness, and transparency is second-to-none and we are grateful for her leadership. Finally, the Board and Office thank Chief Justice Lorie Gildea for her years of service to and support of the Minnesota Judicial Branch and the attorney regulation system. The Board and Office have appreciated Chief Justice Gildea's support, advice, candor, and humor. We look forward to working with the next chief justice, and with the rest of the Minnesota Supreme Court, for years to come.

Dated: July 3, 2023.

For the Board:

/s/Benjamin J. Butler  
BENJAMIN J. BUTLER  
CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD

For the OLPR:

/s/Susan M. Humiston  
SUSAN M. HUMISTON  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY

## **LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

**Benjamin J. Butler, St. Paul** - Attorney member. MSBA nominee. LPRB Chair. Term expires January 31, 2026. Serves on LPRB Rules Committee. Managing Attorney, Office of the Minnesota Appellate Public Defender. Area of expertise: Criminal law.

**Susan C. Rhode, Minneapolis** - Vice Chair. Attorney member. First term expires January 31, 2021. Serves on LPRB Rules and Opinions 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.

**Landon J. Ascheman, St. Anthony** - Attorney member. MSBA nominee. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee and Equity, Equality & Inclusion Committee. Served on Fourth District Ethics Committee for three years. Founder of Ascheman Law, LLC. Area of law: Criminal.

**Daniel J. Cragg, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2026. Serves on LPRB Rules and Opinions Committee. Partner at Eckland & Blando, LLP. Member of MSBA's Rules of Professional Conduct Committee since 2014.

**Katherine A. Brown Holmen, Eagan** - Attorney member. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee. Served on Second District Ethics Committee for six years. Attorney at Dudley and Smith, P.A. Area of practice: Personal Injury.

**Michael Friedman, Minneapolis** - Public member. Term expires January 31, 2026. 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.

**Jordan Hart, St. Louis Park** - Public member. Term expires January 31, 2025. Licensed doctoral level clinical psychologist for twenty years. Owner of private practice. Served on the Board of Directors for the Association of Family and Conciliation Courts for the past four years. Current member of the Minnesota ADR Ethics Board. Also a member of the Minnesota Psychological Association (where she previously served for three years on their Ethics Committee).

**Tommy A. Krause, Virginia** - Public member. Term expires January 31, 2025. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Served on 20th District Ethics Committee for six years. Serves as Vice 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 on the LPRB Training, Education and Outreach 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, 2026. Serves on LPRB Training, Education and Outreach Committee. Member of Minnesota Client Security Board. Served on Hennepin County District Ethics Committee for three years.

**Frank Leo, Lakeville** - Public member. Term expires January 31, 2026. Director of Optum Advisory Services at UnitedHealth Group. Served on 1st District Ethics Committee for six years. Treasurer for the Lakeville North High School Speech Boosters program. Former board member of the River Valley Nursing Center.

**Kevin M. Magnuson, Stillwater** - Attorney member. Term expires January 31, 2026. After 20 years of practicing law, joined the Washington County Attorney's Office in 2019 and has handled complex civil and criminal matters, such as fraud and vulnerable adult cases, attorney ethics, redistricting, election law, multi-county joint powers boards, and advising the county board and administration. He is active in several nonprofit and charitable organizations.

**Melissa Manderschied, St. Paul** - Attorney member. Term expires January 31, 2026. Serves as Bloomington City Attorney. Formerly served as counsel to several Minnesota cities and nonprofit organizations. Established a career in community organizing and land-use planning before becoming an attorney. Area of law: government law.

**Kristi J. Paulson, Burnsville** - Attorney member. MSBA nominee. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach 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, 2025. Serves on LPRB Equity, Equality & Inclusion Committee. Partner 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.

**Matthew Ralston, Minneapolis** - Attorney member. Term expires January 31, 2026. Serves as a parents attorney with Hennepin County and on the Minnesota Supreme Court Rules Committee for juvenile probation. Member of Minnesota American Indian Bar Association.

**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.

**Wendy L. Sturm, Brainerd** - Attorney member. MSBA nominee. Term expires January 31, 2026. Managing Attorney and Assistant Public Defender for the 9th Judicial District. Former police officer, guardian ad litem, and deputy sheriff prior to joining the defense bar. Area of law: criminal law.

**Sharon H. Van Leer, Woodbury** - Public member. Term expires January 31, 2026. Director for Diversity, Equity & Inclusion at Mitchell Hamline School of Law. Serves as Board Chair for South Washington County School District 833. Served on Fourth District Ethics Screening Committee since 2020.

**Carol ("Carrie") R. Washington, Minneapolis** - Attorney member. Term expires January 31, 2026. Practiced in the private and public sector for 11 years. Prior to law school, worked in the nonprofit and government sector for 7 years. Serves as Charities Division Manager for the Office of the Minnesota Attorney General. Served on Attorney General Office's Ethics Council. Served as a law clerk for Supreme Court Chief Justice Gildea after law school. Area of law: Government, Civil Litigation/Enforcement, Nonprofit/Charities.

**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, 2025. 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.

**Table I**  
**Complaint Statistics 2000–2022**

	<b>Files</b>	<b>Files</b>
<u><b>Year</b></u>	<u><b>Opened</b></u>	<u><b>Closed</b></u>
<b>2000</b>	1362	1288
<b>2001</b>	1246	1277
<b>2002</b>	1165	1226
<b>2003</b>	1168	1143
<b>2004</b>	1147	1109
<b>2005</b>	1150	1148
<b>2006</b>	1222	1171
<b>2007</b>	1226	1304
<b>2008</b>	1258	1161
<b>2009</b>	1206	1229
<b>2010</b>	1366	1252
<b>2011</b>	1341	1386
<b>2012</b>	1287	1287
<b>2013</b>	1256	1279
<b>2014</b>	1293	1248
<b>2015</b>	1210	1332
<b>2016</b>	1215	1264
<b>2017</b>	1110	1073
<b>2018</b>	1107	1115
<b>2019</b>	1003	1029
<b>2020</b>	930	969
<b>2021</b>	946	909
<b>2022</b>	1020	1030

**TABLE II**  
**Supreme Court Dispositions and Reinstatements 2013-2022**  
**Number of Lawyers**

	Disbar.	Susp.	Reprimand Probation	Reprimand	Dismissal	Reinstated	Reinstated Denied	Disability	SC AD/Aff	Other	Total
2013	11	28	9	4	-	14	-	2	-	-	68
2014	6	22	6	5	-	10	1	0	0	1 <sup>3</sup>	51
2015	6	47	8	4	-	14	-	1	-	-	80
2016	6	27 <sup>1</sup>	4	6	2	20	2	2	1	1 <sup>3</sup>	71 <sup>1</sup>
2017	5	26	5	4	-	12 <sup>1</sup>	-	3	1	1 <sup>4</sup>	57 <sup>1</sup>
2018	8	23	8	6	-	12	-	6	1	1 <sup>3</sup>	65
2019	5	22	4	4	-	10	1	1	1	-	48
2020	3	24	5	1	-	10 <sup>1</sup>	-	5	-	1 <sup>2</sup>	49 <sup>1</sup>
2021	4	17	4	3	-	8	2	1	-		39
2022	5	21	6	4	1	8		3		1 <sup>5</sup>	49

<sup>1</sup>Number corrected

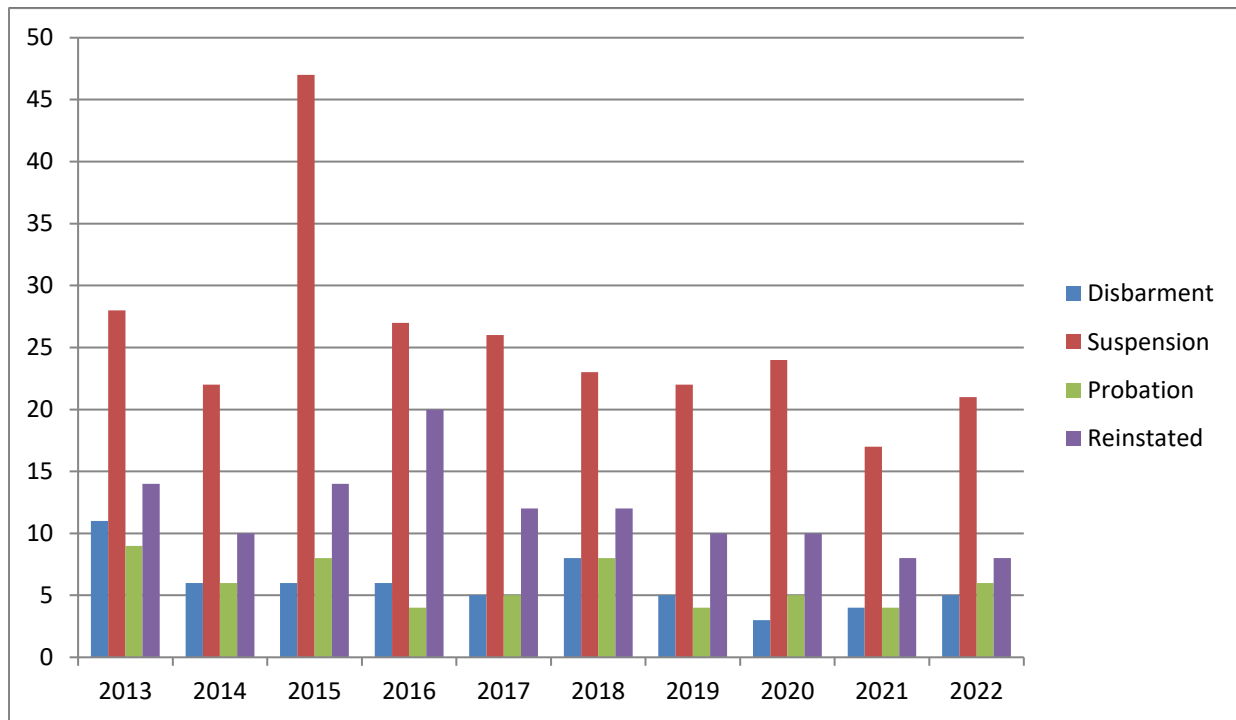
<sup>2</sup>Stayed Disbarment

<sup>3</sup>Reinstatement dismissed

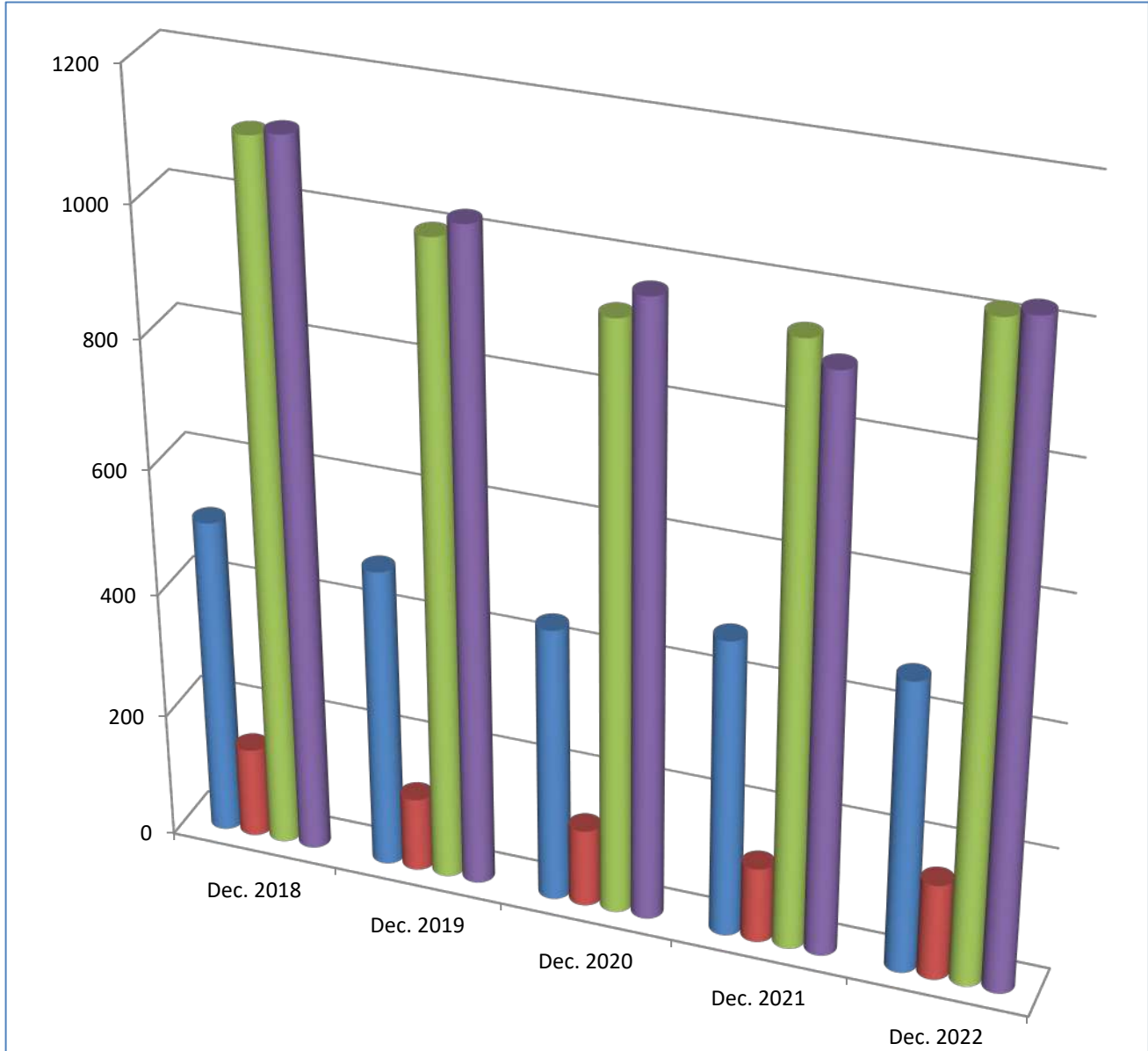
<sup>4</sup>Supreme Court Probation Extended

<sup>5</sup>Rule 30 Suspension

**TABLE III**  
**Disbarments, Suspensions, Probations and Reinstatements 2013-2022**



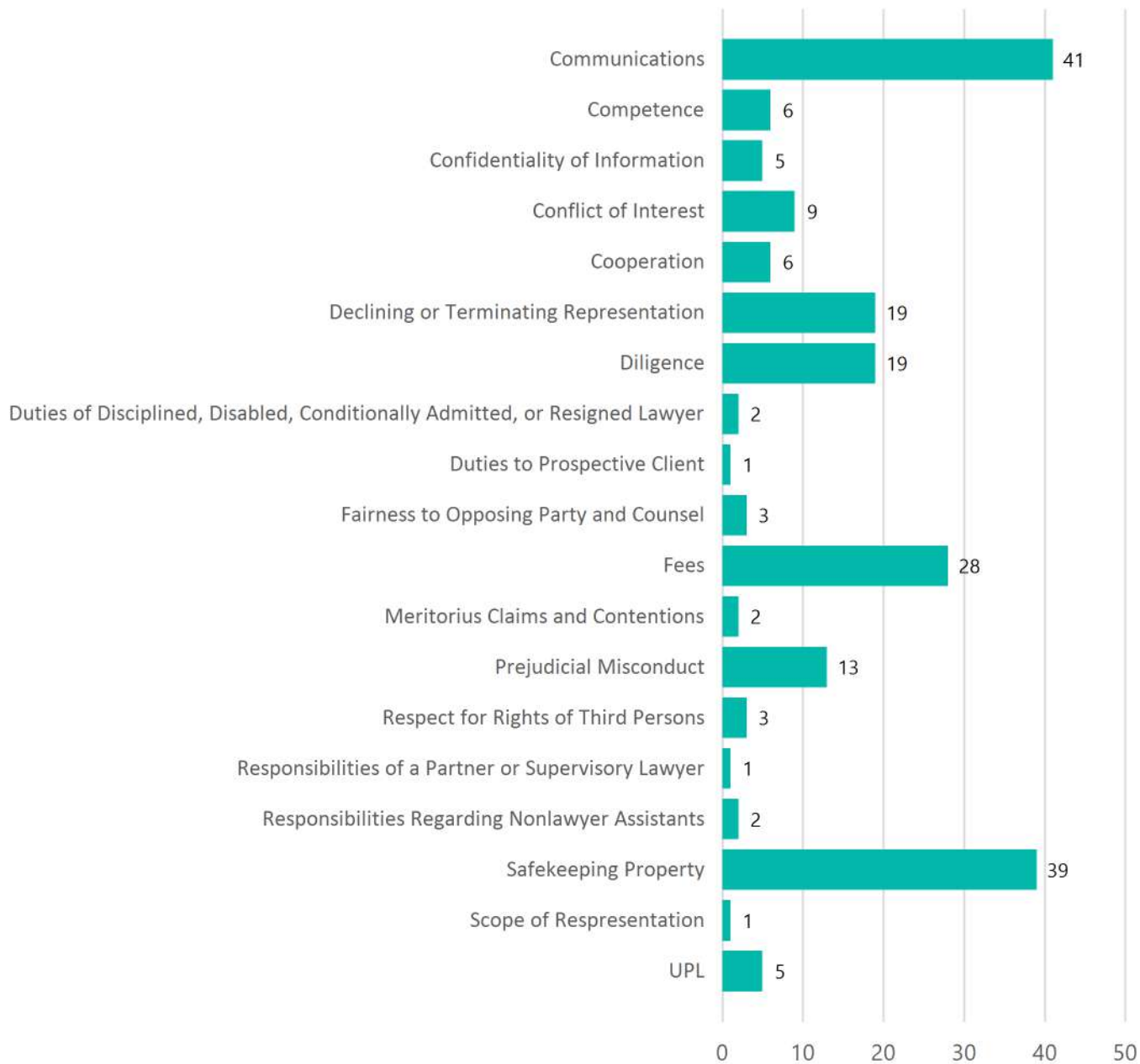
**TABLE IV**  
**File Openings, Closings and Year Old Files 2018-2022**



	Dec. 2018	Dec. 2019	Dec. 2020	Dec. 2021	Dec. 2022
Total Open Files	509	482	442	479	471
Cases at Least One Year Old	145	119	125	122	156
Complaints Received YTD	1,107	1,003	930	946	1,020
Files Closed YTD	1,115	1,029	969	909	1,030

# ANNUAL REPORT

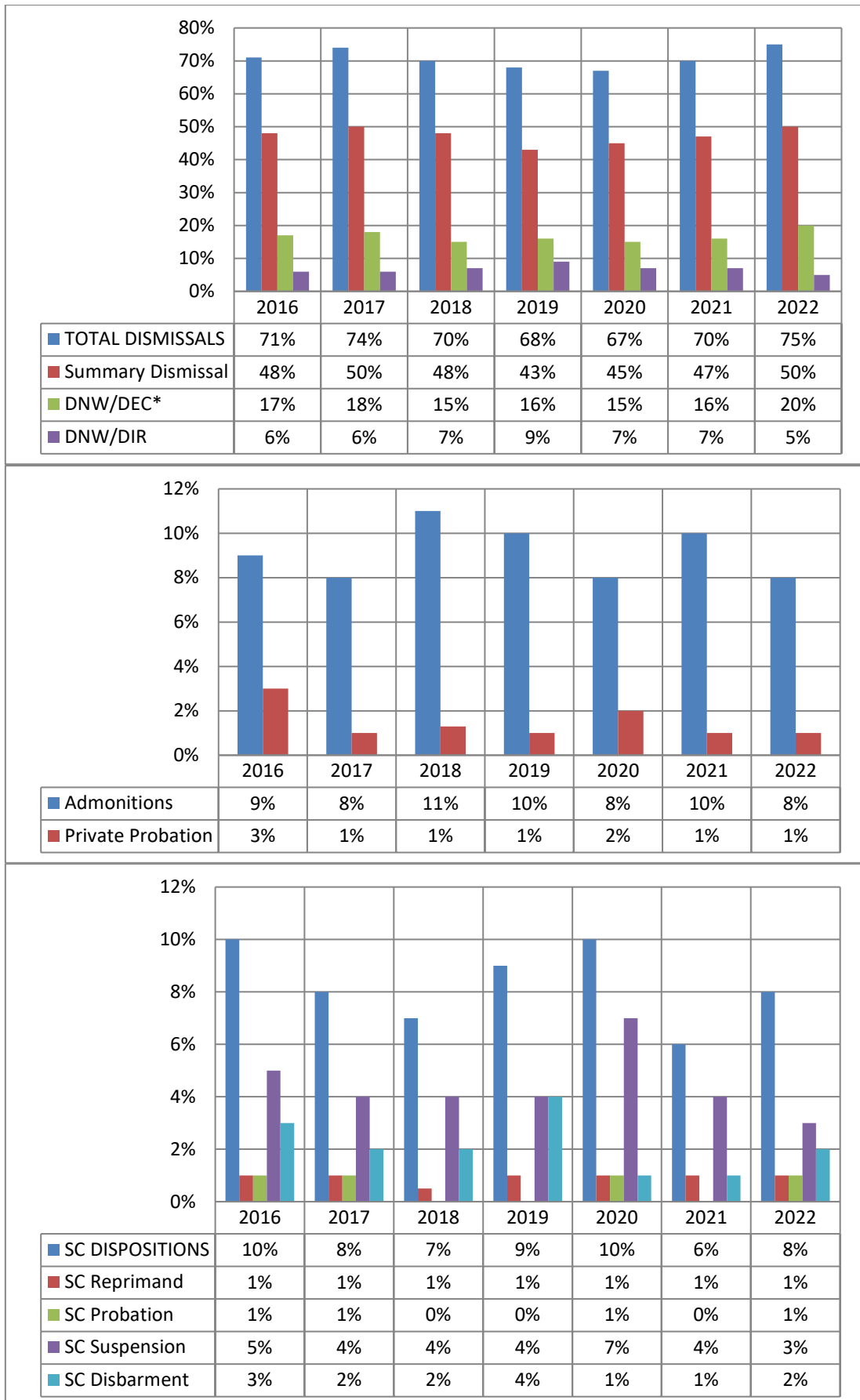
**TABLE V: AREAS OF MISCONDUCT – ADMONITIONS 2022 \***



\* Between 1/1/2022 AND 12/31/2022, the Office issued 81 admonitions involving 205 rule violations.

This chart reflects the number of rule violations involved in those 81 admonitions, organized by area of misconduct.

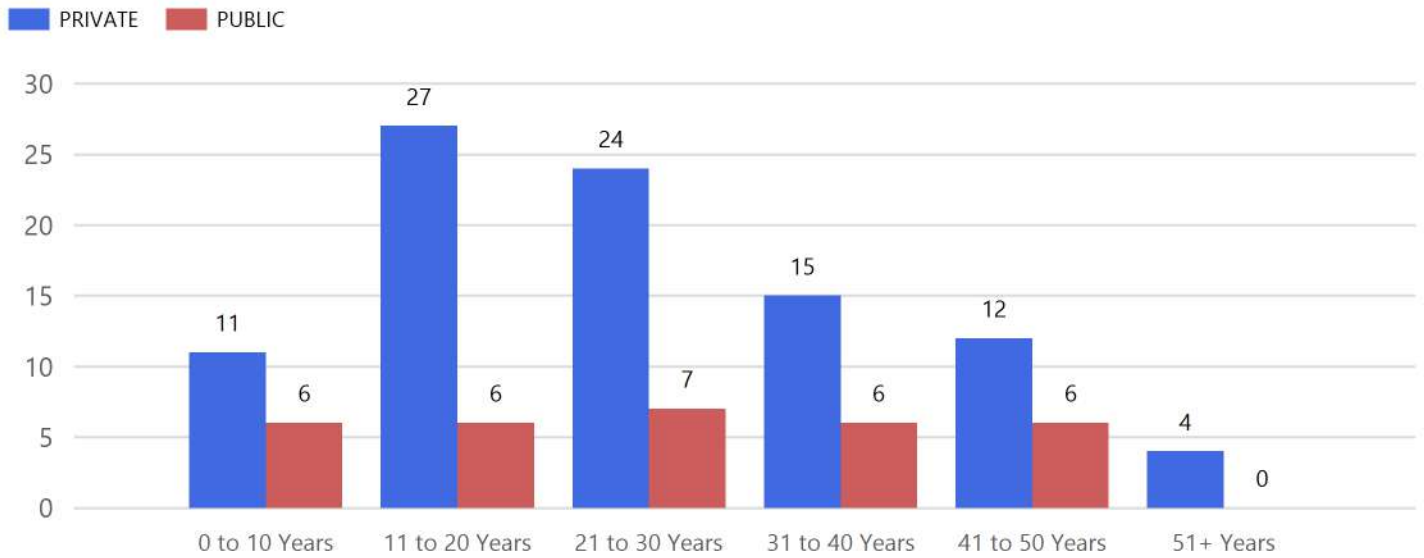
**TABLE VI**  
**Percentage of Files Closed**



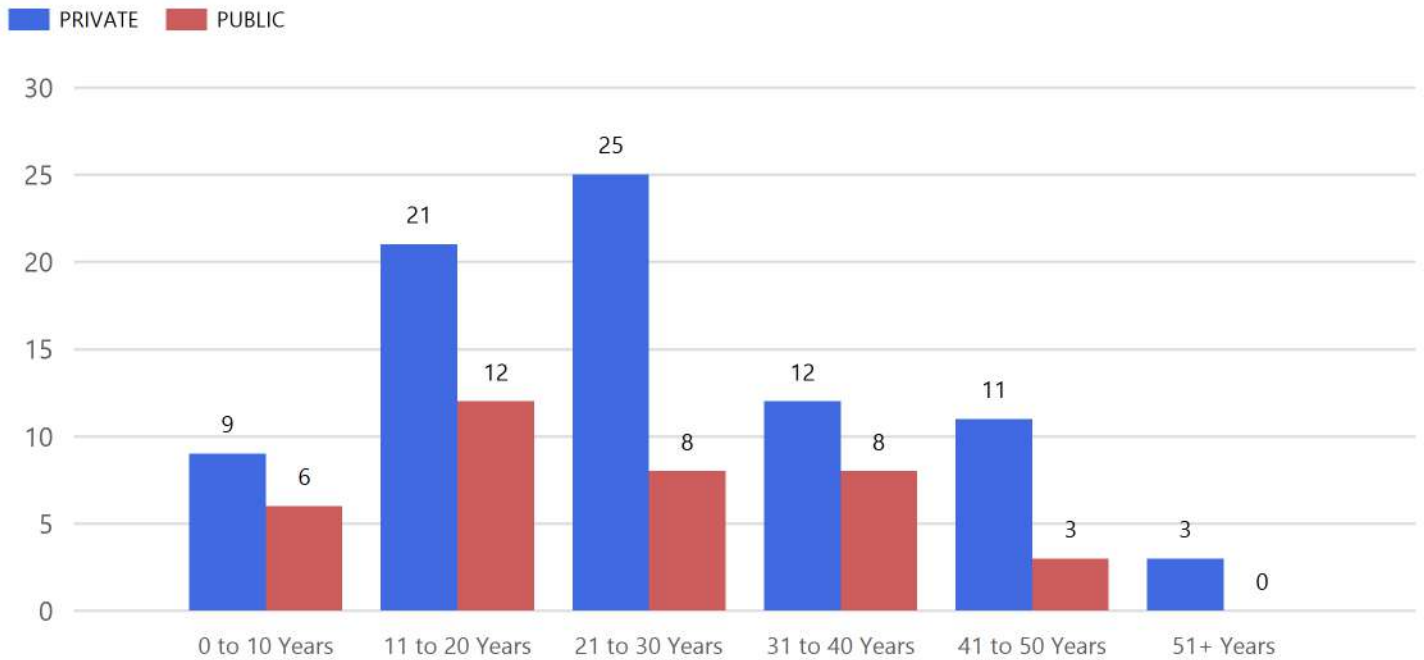
\*Includes DEC Investigation files further investigated by the Director

# ANNUAL REPORT

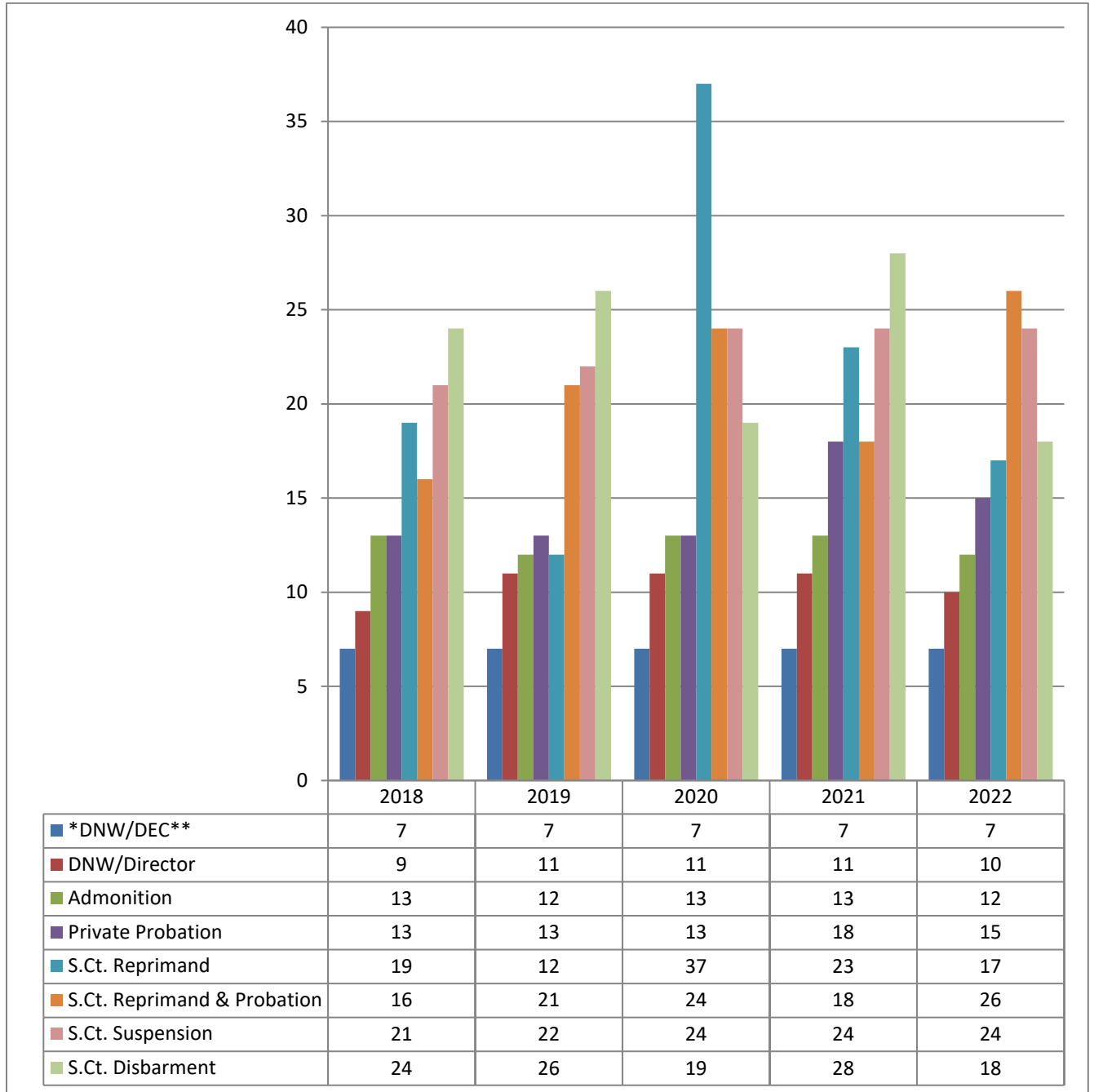
**TABLE VII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2021**



**TABLE VIII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2022**



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



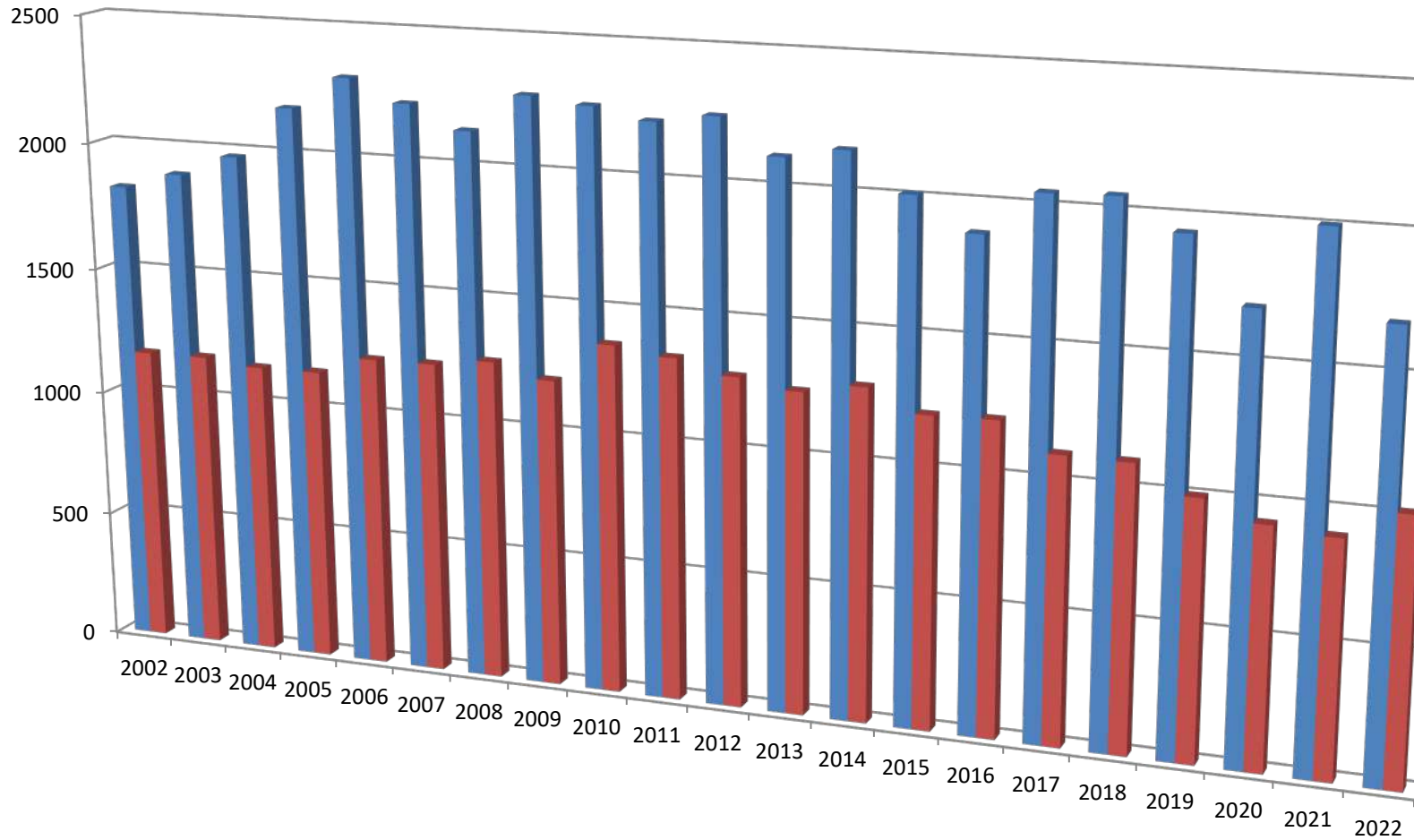
\*Discipline Not Warranted  
\*\*District Ethics Committee

## ANNUAL REPORT

TABLE X: PUBLIC DISCIPLINE DECISIONS 2022

Determination Year	Disbarments	Suspensions (all)	Reprimand and Probations	Reprimands	Year Total
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
2021	4	17	4	3	28
2022	5	21	7	4	37
<b>Total</b>	<b>209</b>	<b>714</b>	<b>246</b>	<b>108</b>	<b>1277</b>

**TABLE XI**  
**Advisory Opinion Requests Received**  
**and**  
**Number of Complaints Opened**  
**2002 – 2022**



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
■ Advisory Opinions Received	1825	1889	1974	2177	2307	2223	2135	2282	2258	2215	2249	2116	2156	2012	1888	2051	2057	1943	1700	2004	1683
■ Complaints Opened	1165	1168	1147	1150	1222	1226	1257	1206	1365	1337	1287	1253	1293	1210	1216	1110	1107	1003	930	909	1020

<b>Table XIII</b>			
<b>Advisory Opinions Subject Matter by Rule*</b>			
<b>Rule</b>	<b>Description</b>	<b>2021</b>	<b>2022</b>
1.1	Competence	60	32
1.2	Scope of Representation	97	77
1.3	Diligence	12	12
1.4	Communication	183	170
1.5	Fee Agreements and Fees - Generally	122	122
1.6	Client Confidentiality	337	368
1.7	Conflict of Interest - Generally	327	287
1.8	Conflict of Interest - Transactions	84	72
1.9	Conflict - Former Clients Generally	182	203
1.10	Imputed Disqualification - Generally	57	63
1.11	Government Lawyer Conflicts Generally	24	20
1.12	Former Judges & Law Clerks	10	8
1.13	Organization as Client	22	17
1.14	Disabled Client - Generally	39	61
1.15	Trust Accounts - Generally	165	158
1.16	Withdrawal from Representation	362	439
1.17	Sale or Termination of Law Practice	15	16
1.18	Prospective Clients	34	52
2.1	Advisor	1	7
2.4	Lawyer Serving as 3rd Party Neutral	0	3
3.1	Meritorius Claims	23	26
3.2	Expediting Litigation	2	4
3.3	Candor Toward the Tribunal	50	87
3.4	Fairness to Opposing Counsel	46	52
3.5	Contact with jurors or venire	2	5
3.6	Trial Publicity	3	0
3.7	Attorney as Witness	26	20
3.8	Special Prosecutor Duties	12	9
3.9	Non-adjudicative Proceedings	0	1
4.1	Candor to Others	17	21
4.2	Contact with Represented Party	77	76
4.3	Contact with Unrepresented Party	46	50
4.4	Respect for Third Persons' Rights	19	14
5.1	Supervisory Lawyers	7	1
5.2	Subordinate Lawyers	1	1
5.3	Non-Lawyer Employees	13	6
5.4	Professional Independence	12	15
5.5	Unauthorized Practice	82	70
5.6	Covenants Not to Compete	5	4
5.7	Responsibilities Regarding Law Related Services	5	3
5.8	Employment of Suspended Attorney	1	6
6.1	Voluntary Pro Bono	5	16
6.2	Accepting Appointments	2	1
6.3	Legal Services Organizations	2	1
6.5	Pro Bono Limited Legal Services Programs	3	3
7.1	Advertising Generally	37	28
7.2	Technical Requirements	27	18
7.3	Solicitation Generally	20	10
7.4	Specialization	2	1
7.5	Letterhead & Firm Name	23	11
8.1	Admission and Discipline	1	1
8.2	Legal Officials	2	2
8.3	Duty to Report Attorney Misconduct	93	74
8.4	Misconduct	74	70
99	Dormant File Procedures	111	74
	<b>Totals</b>	<b>2984</b>	<b>2968</b>

**OLPR SUMMARY OF PUBLIC MATTERS DECIDED**

DETERMINATION DATES BETWEEN: 1/1/2022 AND 12/31/2022

**49 DECISIONS INVOLVING 86 FILES**

<b>Supreme Court Disbarment</b>	<b>5 ATTORNEYS</b>	<b>17 FILES</b>
ANDERSON, GREGORY R	A19-864	1
COLOSI, GEOFFREY R	A21-0152	1
LENNINGTON, PETER G	A21-0254	6
MCCOLLISTER, MATTHEW D	A21-1624	1
POWELL, JESSE R	A22-1518	8
<b>Supreme Court Suspension</b>	<b>20 ATTORNEYS</b>	<b>30 FILES</b>
BALLARD, LILLIAN A	A22-0698	1
BRUNO, JASON M	A22-0138	1
DAVISSON, PEDER K	A21-0878	1
DICK, DAVID A	A22-0244	1
DUFFY, KEVIN T	A21-0267	1
HUBERTY, JOHN M	A21-0312	1
JARVIS, MARCUS A	A20-1424	2
KEATE, KENNETH E	A22-0773	1
KEFALOS, NICHOLAS C	A20-0777	1
KELLEY, STACI L	A22-0790	6
LINDBERG, BRENT E	A22-1090	1
MAJORS, B JOSEPH	A21-0242	2
MCCLOUD, SAMUEL A	A20-0089	1
MULLIGAN, D G	A22-0145	1
NEWMAN, MATTHEW B	A22-0460	2
NIELSON, JASON A	A21-0339	2
NORA, WENDY A	A21-1330	1
NWANERI, PATRICK C	A21-0547	1
PRINCE, S S	A22-1216	2
SMITH, DENNIS J	A21-1529	1
<b>Administrative Suspension-Rule 30</b>	<b>1 ATTORNEYS</b>	<b>1 FILES</b>
ANDERSON, WILLIAM T	ADM05-8001	1

<b>Supreme Court Reprimand/Probation</b>	<b>6 ATTORNEYS</b>	<b>8 FILES</b>
BRADLEY, RONALD R	A22-0445	2
GOETZ, AMY J	A21-1740	1
HARMON, THOMAS E	A22-0044	1
ROACH, JOSEPH D	A21-0374	1
RUBIN, PAUL B	A21-1570	1
USUMANU, ALBERT I	A21-1666	2
<b>Supreme Court Reprimand</b>	<b>4 ATTORNEYS</b>	<b>4 FILES</b>
ALDRICH, LESLIE J	A22-0510	1
BOWERS, STEVEN R	A21-1520	1
MCGUIRE, DANIEL B	A22-0693	1
STOUT, ZAYLORE S	A22-0931	1
<b>Suspension Stayed &amp; Public Probation</b>	<b>1 ATTORNEYS</b>	<b>5 FILES</b>
STREFF, MATTHEW A	A22-0281	5
<b>Supreme Court Disability Status</b>	<b>3 ATTORNEYS</b>	<b>12 FILES</b>
GITTUS, GARY A	A22-1005	8
JOHNSON, ANDREW	A21-1217	3
KOONER, JAGAT S	A22-0520	1
<b>Reinstatement/Probation</b>	<b>8 ATTORNEYS</b>	<b>8 FILES</b>
BRUNO, JASON M	A22-0138	1
DUFFY, KEVIN T	A21-0267	1
FRANKLIN, JOEL A	A21-0413	1
IZEK, DAVID	A21-0138	1
JARVIS, MARCUS A	A20-1424	1
NIELSON, JASON A	A21-0339	1
NWANERI, PATRICK C	A21-0547	1
SMITH, DENNIS J	A21-1529	1
<b>Supreme Court Dismissal</b>	<b>1 ATTORNEYS</b>	<b>1 FILES</b>
HALL, AARON D	A21-0420	1

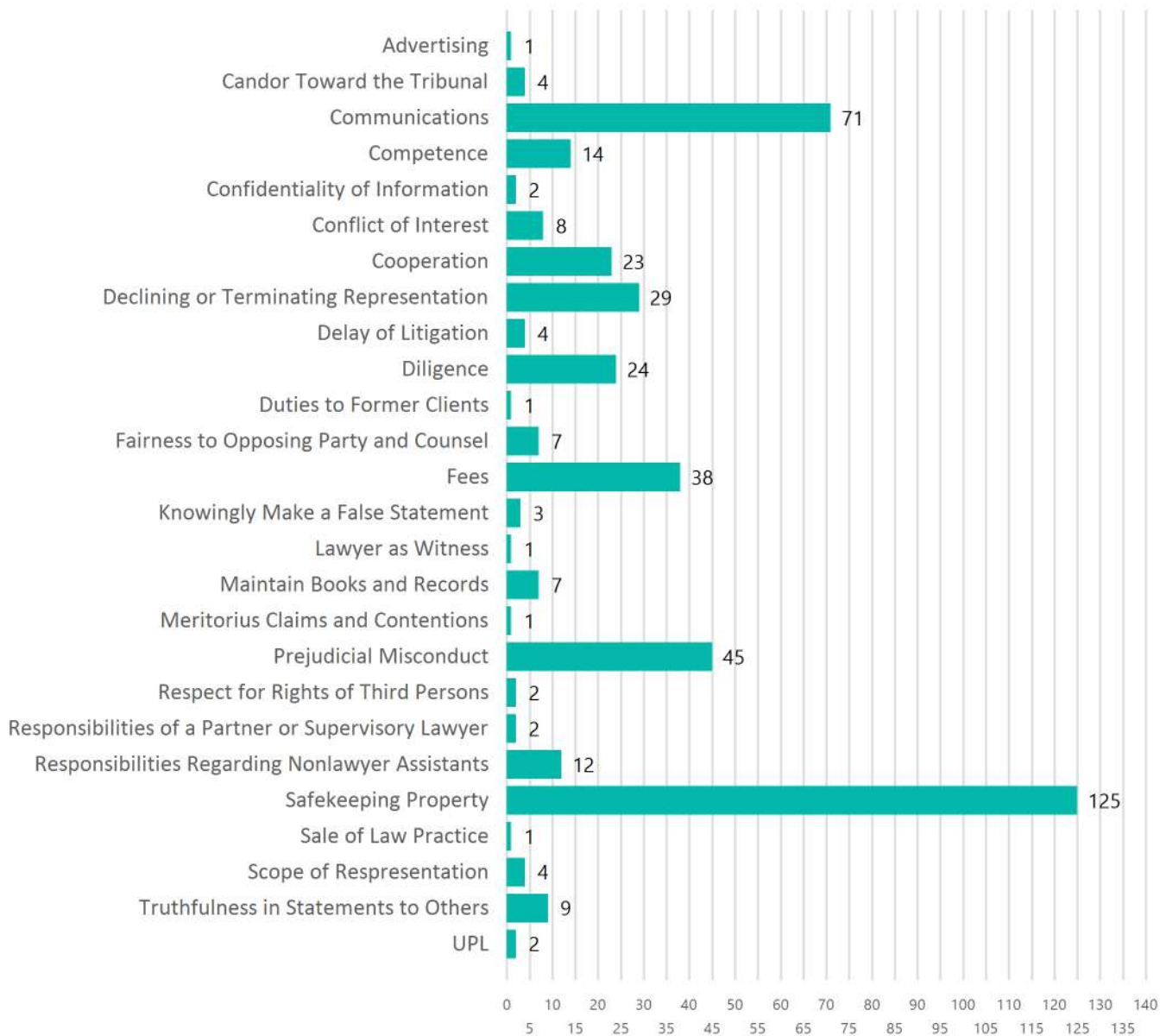
# ANNUAL REPORT

## PROBATION STATISTICS

	Files	Total
<b>TOTAL PROBATION FILES OPEN DURING 2022</b>		
PUBLIC SUPERVISED PROBATION FILES - 43%	33	
PUBLIC UNSUPERVISED PROBATION FILES - 21%	16	
<b>PUBLIC PROBATION FILES TOTAL - 64%</b>		<b>49</b>
PRIVATE SUPERVISED PROBATION FILES - 13%	10	
PRIVATE UNSUPERVISED PROBATION FILES - 23%	18	
<b>PRIVATE PROBATION FILES TOTAL - 36%</b>		<b>28</b>
<b>TOTAL PROBATION FILES OPEN DURING 2022</b>		<b>77</b>
<b>TOTAL PROBATION FILES</b>		
Total Open Probation Files as of 1/1/2022		57
Total Probation Files Opened in 2022		20
Total Probation Files Closed in 2022		-18
Total Open Probation Files as of 12/31/2022		59
<b>TOTAL PROBATION FILES OPENED IN 2022</b>		
PUBLIC SUPERVISED PROBATION FILES	10	
PUBLIC UNSUPERVISED PROBATION FILES	4	
<b>PUBLIC PROBATION FILES TOTAL</b>		<b>14</b>
PRIVATE UNSUPERVISED PROBATION FILES	6	
<b>PRIVATE PROBATION FILES TOTAL</b>		<b>6</b>
<b>TOTAL PROBATION FILES OPENED DURING 2022</b>		<b>20</b>

# ANNUAL REPORT

## PROBATION AREAS OF MISCONDUCT - 2022



\* Between 1/1/2022 AND 12/31/2022, there were 77 probations involving 440 rule violations.

This chart reflects the number of rule violations involved in those 77 probations, organized by area of misconduct.

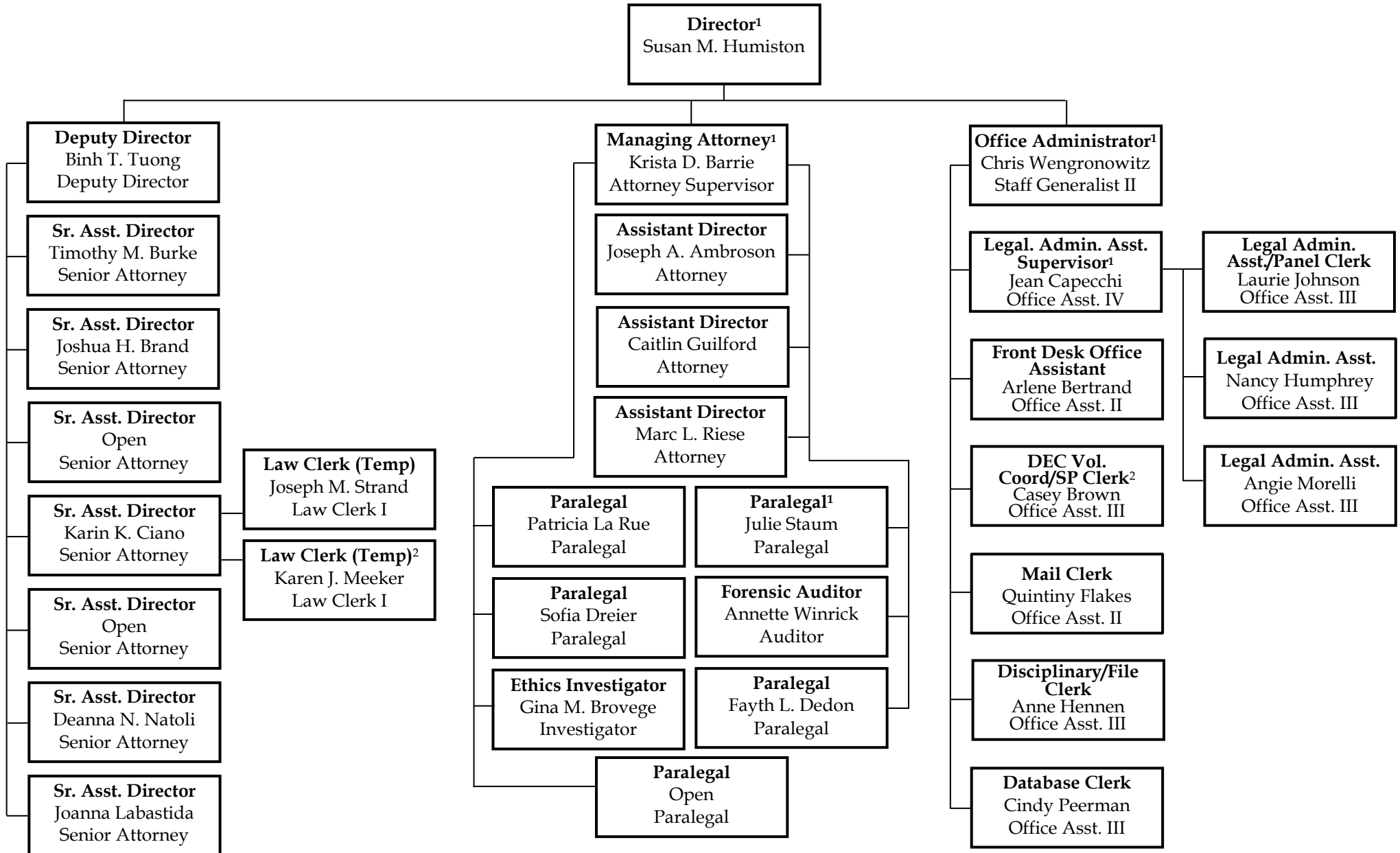
**Office of Lawyers Professional Responsibility**  
**Speaking Engagements and Seminars July 2022 – June 2023**

<b>Date</b>	<b>Topic</b>	<b>Location</b>	<b>Organization</b>	<b>Initials</b>
7/19/22	Behind the Curtain: Attorney Karin Ciano and Civility, Ethics, and Professional Judgment	St. Paul	Mitchell Hamline	KKC
7/27/22	Ethics du Jour: (1) the Perils of Dishonesty; and (2) Assessing When to Withdraw	Zoom	Twentieth District Ethics Committee	NSF
8/5/22	First Amendment Issues in Discipline Cases	Chicago	NOBC	SMH
8/16/22	When Bad Forms Happen to Good Lawyers	Zoom	Minnesota CLE	KKC CG
8/18/22	Civil Appeals A to Z	Zoom	Minnesota CLE	KKC
8/19/22	Ethics Review for Nonprofit and Public Interest Attorneys	Zoom	Hennepin County Law Library	SMH CG
9/15/22	New Advertising Ethics Rules	Webinar	Minnesota CLE	SMH
9/23/22	Professional Responsibility Seminar	St. Paul	Office of Lawyers Professional Responsibility	SMH KKC NSF JL
10/13/22	The Intersection of Bankruptcy and Criminal Law	Minneapolis	Minnesota CLE	SMH
10/27/22	Appellate Practice Ethics	Zoom	Minnesota Appellate Public Defender's Office	KDB JL
11/3/22	Ethics for the Immigration Practitioner	Zoom	MNDAK Chapter of AILA	SMH
11/9/22	Trust Accounting: The Important Ins and Outs of Compliant Trust Account Recordkeeping	St. Paul	Minnesota Judicial Center Law Library	SMH KDB ADW
11/9/22	Common Ethics Pitfalls & Best Practices	St. Paul	Ramsey County Law Library	JHB
12/12/22	How to Avoid Ethics Complaints—Keeping the Fundamentals in Mind	Minneapolis	Minnesota CLE Tax Institute	SMH
1/23/23	New Lawyer Experience	Minneapolis	Minnesota CLE	KKC
2/6/23	Delivering Excellent Service; About the OLPR	Minneapolis	University of St. Thomas School of Law	JAA
2/8/23	Expungement of Files & Discipline	New Orleans, LA	National Council of Lawyer Discipline Boards (NCLDB)	SMH
2/9/23	Advanced Employee Benefits Workshop	Minneapolis	Minnesota CLE	BTT
2/10/23	Introduction to Lawyer Regulation	New Orleans, LA	NOBC	TMB
3/28/23	Ethics and Solo Practice	Minneapolis	University of St. Thomas Law School	KKC
4/6/23	Ethics for Public Defenders	Anoka	Tenth District Public Defenders	JDP
4/11/23	Ethical Issues that Cause Trial Lawyers to Lose Sleep at Night	Minneapolis	MSBA Civil Trial Lawyer Specialist CLE	SMH

**Office of Lawyers Professional Responsibility  
Speaking Engagements and Seminars July 2022 – June 2023**

4/19/23	Ethical Considerations when Practicing Insurance Law	Minneapolis	Minnesota CLE	KKC
4/21/23	A Year in Review in Ethics	Minneapolis or via Zoom TBD	Hennepin County Law Library	BTT
4/26/23	Ethics: An Update from the Director of the Office of Lawyers Professional Responsibility	Minneapolis	MSBA Professionalism and Ethics Committee	SMH
4/26/23	Current Issues in Professional Responsibility	St. Paul	MN Attorney General's Office Ethics for the Public Lawyer CLE	SMH
4/27/23	Legal Writing and Ethics (exact title TBD)	Minneapolis	Minnesota Lawyers Mutual	KKC
4/27/23	Ethics Considerations for Legal Aid Attorneys	Virtual	SMRLS/MMLA	CG JAA
4/28/23	2022 Year in Review in Ethics	Rochester	MSBA One Profession - Third Judicial District	KKC MLR
5/4/23	Attorney Discipline Update: Lessons for Family Lawyers	Webcast	Minnesota CLE Family Law Institute	SMH
5/5/23	What to do When Everyone Knows Each Other—Analyzing Conflicts in a Small Interconnected Community	Minneapolis	Minnesota CLE Indian Law CLE	SMH
5/10/23	Civility - Ethics, Education, and Expectations	Virtual	TriBar Committee/Ramsey County Law Library	BTT
5/18/23	Tricky Ethics Questions in Settlement Agreements	St. Paul	Employment Law Institute	JHB
6/2/23	The Right (Not) to Be Silent: First Amendment Issues in Lawyer Regulation	New Orleans, LA	ABA Center for Professional Responsibility	SMH

# Office of Lawyers Professional Responsibility FY23 Organizational Chart



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

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

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



# MINNESOTA

## Lawyers Professional Responsibility Board Office of Lawyers Professional Responsibility

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

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### Announcements

#### April 28, 2023 Board Meeting Materials

The Office of Lawyers Professional Responsibility is seeking an experienced Attorney or Senior Attorney

Save the Date - September 22, 2023 - Lawyers Professional Responsibility Seminar

Court appoints New LPRB Members effective February 1, 2023

Court appoints Benjamin J. Butler as LPRB Chair effective February 1, 2023

Board Amends LPRB Opinion No. 20

LPRB Adopts FAQ for Panel Proceedings; Replaces Panel Manual

Supreme Court Releases ABA Consultation Report on Minnesota Lawyer Discipline System

Congratulations to Jeanette Boerner and Larry Baill 2022 Volunteers of the Year

Order Regarding Proposed Amendments to the Minnesota Rules of Professional Conduct and Proposed Comments to those Rules

### What's New

"PRIVATE DISCIPLINE in 2022," MN Bench and Bar, April 2023

"PUBLIC DISCIPLINE SUMMARY FOR 2022," MN Bench and Bar, March 2023

"2023 RESOLUTIONS - ETHICS EDITION," MN Bench and Bar, January/February 2023

"MORE ON THE ABA CONSULTATION REPORT," MN Bench and Bar, December 2022

"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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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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