

Lawyers Professional Responsibility Board

# FAQ for Panel Proceedings

Last modified 10/10/22

## TABLE OF CONTENTS

|   |    |
|---|----|
| INTRODUCTION.....   | 2  |
| LPRB PANELS.....  | 3  |
| 1. In What Circumstances will a Matter be Assigned to a Panel? .....                  | 3  |
| 2. What is a Panel and How is it Formed? .....  | 3  |
| 3. How will the Panel be Chosen for a Matter? .....                                   | 3  |
| 4. How will I Know which LPRB Members are Assigned to the Panel? ....                 | 4  |
| 5. Will there be a Hearing Before the Panel and What Can I Expect?.....               | 4  |
| 6. If there is a Hearing, What Prehearing Procedures Will Occur? .....                | 6  |
| 7. What Discovery Procedures are Available?.....                                      | 6  |
| 8. Who are the Witnesses at a Panel Hearing? .....                                    | 7  |
| 9. What Evidence is Admissible at a Panel Hearing? .....                              | 8  |
| 10. How will We Know the Panel’s Decision?.....                                       | 9  |
| CHARGES OF UNPROFESSIONAL CONDUCT – SPECIAL CONSIDERATIONS .....                      | 10 |
| 1. How Does the Process for Public Discipline Start? .....                            | 10 |
| 2. Once All the Submissions are Made, How is the Decision Made by the<br>Panel? ..... | 11 |
| 3. What Does the Panel Decide?.....   | 12 |
| ADMONITIONS.....  | 13 |
| 1. What Must I Do, if the Director Issues an Admonition? .....                        | 13 |
| 2. What Happens During an Admonition Appeal?.....                                     | 14 |
| 3. What are the Panel’s Possible Determinations after the Hearing?...                 | 15 |
| 4. How will I Receive the Decision and What will it Include?.....                     | 15 |
| REINSTATEMENT HEARINGS .....  | 16 |
| 1. How Does the Reinstatement Process Work? .....                                     | 16 |
| 2. What Can I Expect During the Investigation? .....                                  | 17 |
| 3. Is there Always a Panel Hearing? .....   | 18 |
| 4. What are the Procedures for the Hearing? .....                                     | 18 |
| 5. What Does the Panel Consider and Decide? .....                                     | 19 |
| 6. How will I Know what the Panel Decides?.....                                       | 20 |
| 7. What Happens Next? .....   | 20 |
| GLOSSARY .....  | 22 |

## **INTRODUCTION**

The Minnesota Lawyers Professional Responsibility Board (LPRB) has prepared these Frequently Asked Questions (FAQ) to assist individuals appearing before an LPRB Panel. This FAQ does not replace the Minnesota Rules of Professional Conduct (MRPC) or the Rules on Lawyers Professional Responsibility (RLPR) which respectively govern Panel proceedings substantively and procedurally.

The LPRB has an adjudicatory role in disciplinary proceedings. As such, this FAQ is not intended as legal advice. Instead, the intent is to provide an overview for participants in preparation for and during Panel proceedings. A glossary is also provided to assist participants.

## **LPRB PANELS**

### **1. *In What Circumstances will a Matter be Assigned to a Panel?***

Matters will be assigned to an LPRB Panel under one of three circumstances: (a) if the Director of the Office of Lawyers Professional Responsibility (OLPR) files charges of unprofessional conduct; (b) if a respondent attorney appeals an admonition issued by the OLPR; or (c) if an attorney petitions for reinstatement.

### **2. *What is a Panel and How is it Formed?***

LPRB members are unpaid volunteers appointed to three-year terms by the Minnesota Supreme Court. A Panel typically consists of three LPRB members including the Panel Chair, who is an attorney, a non-attorney public member of the LPRB, and another attorney or public member of the LPRB. Panels must have one attorney and one non-attorney member; the third member may be a lawyer or non-attorney member. The LPRB Chair assigns members of the Board to one of six Panels. The Panel composition may be changed from time to time as members retire, resign or move to other assignments within the LPRB.

### **3. *How will the Panel be Chosen for a Matter?***

Panel proceedings will be assigned to a Panel by the LPRB Chair using a blind random assignment method adopted by the LPRB. Sometimes, the Panel's composition may change after assignment as in the following examples.

- If there is a conflict of interest between a Panel member and a participant, then concerns regarding conflicts of interest can be raised with the Panel Chair or LPRB Chair.

- If a Panel member is not available to participate on the assigned date for the Panel hearing, the LPRB Chair will appoint a substitute member.
- If one Panel's workload does not permit consideration of the matter, a new Panel will be assigned.
- If special expertise would be beneficial, a former member or current LPRB member that has the expertise may be assigned.

**4. *How will I Know which LPRB Members are Assigned to the Panel?***

You will be notified via email or U.S. Mail of the Panel assignment and the members that will be on the Panel in a document entitled "Notice of Panel Assignment."

**5. *Will there be a Hearing Before the Panel and What Can I Expect?***

As discussed in these guidelines, not every issue before a Panel requires a hearing. However, if a hearing is scheduled, then no matter the nature of the proceeding, the general procedures at the hearing will be the same. The LPRB Panel will not decide constitutional issues or other procedural claims which are outside the purview of the LPRB. Those issues may be addressed by the Minnesota Supreme Court. The general procedures include:

- The hearing may be held virtually or in person depending on the Court requirements at the time. In-person hearings are held at the Minnesota Judicial Center in a courtroom specifically designated for LPRB hearings and other related proceedings. Hearings before a Panel, except reinstatement proceedings, are closed to the general public.

- Panel hearings are conducted much like evidentiary hearings under the Rules of Civil Procedure. There will be a court reporter, witnesses will be sworn in, and the Panel Chair will control the proceedings.
- The hearing typically starts with the Panel Chair introducing the matter under consideration and identifying the parties and anyone else present. Except for hearings for reinstatement, the hearings are closed to the general public.
- The parties, typically the respondent/petitioner attorney and the Director, may make opening statements or they may waive these statements. Complainants are witnesses but are not parties to the proceedings. Opening statements should be brief and succinctly summarize the issues under consideration.
- Typically, the parties will offer exhibits into evidence all at once. The Panel Chair will try to resolve objections to exhibits at the start of the hearing. Most evidentiary issues are resolved well before the day of the hearing. If a party offers a late exhibit, the Panel Chair will decide the issue considering the volume of the late exhibit(s), why the exhibit(s) were not available earlier, and whether if admitting the exhibit causes unfair surprise and prejudice to the other party.
- At the end of the hearing, the Panel Chair will invite closing arguments. The Panel Chair may also request additional briefing if there are complex matters.

**6. *If there is a Hearing, What Prehearing Procedures will Occur?***

If a hearing is scheduled, the Panel Chair will conduct one or more scheduling conferences with the Director and respondent/petitioner to set timelines for the various steps in disclosure and preparation, as well as schedule the hearing.

Specific scheduling requirements may depend on the type of proceeding in which you participate. Rule 9, RLPR, governs charges of unprofessional conduct, whether for public discipline or admonition appeals. Rule 18, RLPR, governs reinstatement proceedings. Actions at the scheduling conferences may include:

- Setting a schedule for an exchange of exhibits and for agreeing on a stipulation between respondent and the Director as to the admissibility of exhibits. Exhibits as to which no objection is made will be admitted into evidence at the beginning of the hearing.
- If there is a dispute as to admissibility based on the volume of documents, relevance, or other grounds, or if there are other discovery issues, those will be resolved by the Panel Chair in a conference which will typically occur prior to the hearing.
- The Panel Chair in consultation with the Director and respondent/petitioner will set a hearing date for the matter. Any subsequent request for a continuance by the respondent/petitioner or Director will be at the discretion of the Panel Chair.

**7. *What Discovery Procedures are Available?***

- There is limited discovery available for Rule 9 Panel hearings which includes charges for public discipline and admonition appeals. If a

discovery procedure is allowed, it will be according to Rules 9(c) and (d), RLPR, and the applicable Rules of Civil Procedure.

- Rule 9(c) allows the Director or respondent/appellant to request admissions up to or 10 days after the prehearing meeting. The responding party then has 10 days to answer. Any objections to an admission or the sufficiency of the answer is determined by the Panel Chair.
- If a party wants to take a deposition, Rule 9(d) applies. The parties may agree to take depositions. If the parties do not agree to take a deposition, any motions or issues arising out of depositions are resolved by the Ramsey County District Court.
- A respondent can request that the file maintained by the Director be produced. Rule 20(a)(4), RLPR, specifies what the Director can provide and what the Director cannot provide.

### ***8. Who are the Witnesses at a Panel Hearing?***

The nature of the case and the respective burdens of proof determine which witnesses will be permitted to testify at Panel hearings. In a Rule 9 hearing the complainant and respondent are always permitted to testify in person. Affidavits may be received from other witnesses. But additional witnesses may be permitted to testify in person if authorized by the Panel Chair for good cause such as special or crucial knowledge of a matter.

Witnesses as to mitigation and character are not permitted at hearings on charges because such testimony relates to the ultimate issue, rather than the initial

burdens of proof. Mitigation and character witnesses may be allowed at a reinstatement hearing.

Note that the Panel Chair cannot issue a subpoena or compel witnesses to testify. These are matters for the Ramsey County District Court.

### **9. *What Evidence is Admissible at a Panel Hearing?***

Evidence admissible at a Panel hearing is limited by the nature of the Panel hearing. Some general guidelines are:

- Under Rule 9(h), RLPR, certain hearsay evidence is admissible.
- Evidence of prior discipline is admissible under Rule 19(b)(4), RLPR, if relevant to a current charge to show a pattern of misconduct, to impeach a respondent attorney's testimony, or to establish motive, opportunity, intent, preparation, plan, knowledge, and identity, or absence of mistake or accident. However, evidence of prior discipline is not admissible to prove that a present claimed violation occurred or to demonstrate the character of the lawyer.
- Evidence of a previous disciplinary proceeding that concluded a lawyer committed misconduct warranting discipline is conclusive evidence that the respondent committed the misconduct. *See* Rule 19(b)(3), RLPR. Prior discipline cannot be reargued.
- Prior findings in a civil matter to which the attorney was a party may be sufficient to determine probable cause.

- Evidence regarding mitigation is typically not admissible at a probable cause hearing. This evidence is relevant to the discipline imposed, which is outside the scope of the LPRB's authority.

#### **10. *How will We Know the Panel's Decision?***

Panels' decisions are issued in one or more formats:

- The Panel may announce its decision at the hearing after deliberation followed by a written decision.
- The Panel may take the matter under consideration and invite additional briefs and proposed orders.
- The written decision by the Panel will typically not include findings and conclusions unless the Panel is issuing an admonition.
- There is no requirement that the Panel inform the respondent of the reasoning for the decision regarding charges or whether the decision was unanimous. Decisions of the Panel are by majority decision.
- If the Panel determines that an admonition is the appropriate disposition, then the Panel may announce this on the record or as a written determination. If the Panel decides to issue an admonition based solely on written submissions, then the respondent may request a hearing de novo before another Panel. Rule 9(j)(1)(iii), RLPR.

## **Charges of Unprofessional Conduct – Special Considerations**

The Director may issue charges of unprofessional conduct which are referred to a Panel of the LPRB. This is often referred to as a “probable cause” proceeding.

The specific process for this proceeding includes the following:

### **1. *How Does the Process for Public Discipline Start?***

- After investigation, the Director will transmit to the respondent and the Panel Chair a copy of the charges of unprofessional conduct typically referred to as the “charges.” The charges will include the facts the Director relies on and the alleged rule violations. The charges may include one or more acts which are alleged to be a violation and may include multiple matters.
- Once the Director issues the charges, the respondent attorney has 14 days to submit an answer. A party may refer to Rule 6.01, Minnesota Rules of Civil Procedure, for computation of time periods.
- If a respondent cannot meet the 14-day deadline, then the respondent may request from the Panel Chair an extension for good cause. The Panel Chair will decide the issue after consultation with both parties. The relevant considerations will be the need for expediency versus fundamental fairness to both parties.
- The rules do not require that the respondent “serve” the answer, only that it be “submitted” to the Director and the Panel Chair. Email is the preferred method of transmission.

- There is no specific format for an answer but generally the answer should, by paragraph, admit or deny the factual allegations and rule violations and assert any relevant defenses.
- After the answer is submitted, both parties have 10 days to provide the Panel exhibits, affidavits, and memoranda. Each party must copy the other party and the Panel Chair on all submissions. There is no requirement that a party make additional submissions.

**2. *Once All the Submissions are Made, How is the Decision Made by the Panel?***

Once all information is received, the Panel will decide whether probable cause has been established. This will include:

- Typically, the charges are decided by the Panel based on the written submissions. The decision is issued within 40 days from the date of the Director's notice of charges absent good cause. Rule 9(a)(2), RLPR.
- The respondent attorney or the Director has the right to request a hearing or oral argument on the charges. After hearing from both parties, the Panel Chair determines whether to have a hearing or oral argument and will notify the parties of the decision. If a hearing is held, it is conducted according to Rule (9)(b) – (j), RLPR. The procedures and schedule for the hearing are set by the Panel Chair after consultation with the parties.
- Panel determinations are by majority vote. The determination will not disclose individual Panel member views on the issues. Typically, the

Panel will not make findings and conclusions except in the case of an admonition as described below.

### **3. *What Does the Panel Decide?***

The Panel has several options for its decision, but generally the Panel decides whether there is probable cause to believe public discipline is warranted. See Rule 9(j), RLPR. The Panel will conclude one of the following:

- The Panel may conclude there is no probable cause to believe public discipline is warranted. If the Panel finds that the Director has not established probable cause on any of the counts charged if there are multiple counts, then the Panel can dismiss the charges.
- The Panel may conclude that there is probable cause to believe that public discipline is warranted on at least one count. The Panel will instruct the Director to file a petition for disciplinary action with the Supreme Court. The Panel cannot recommend the ultimate disposition.
- The Panel can determine that the unprofessional conduct was isolated and nonserious. In this instance, the Panel can determine that one or more counts are supported by clear and convincing evidence of isolated, nonserious conduct. The Panel cannot bifurcate its decision to both allow for a petition on certain counts and an admonition on others.
- If the respondent is practicing under a conditional admission agreement, the Panel can authorize the Director to file a petition for revocation.

## **Admonitions**

The Director issues an admonition in lieu of charges of unprofessional conduct if they conclude that the respondent has engaged in conduct that is an ethical rule violation but is isolated and nonserious. Rule 8(d)(2), RLPR, outlines this process.

### **1. *What Must I Do if the Director Issues an Admonition?***

- The respondent will receive from the Director an admonition, which will allege the facts and applicable rules the respondent violated that warrant the admonition. The respondent may accept the admonition, or the respondent may appeal the admonition which appeal results in a de novo review by an LPRB Panel. The manner in which the respondent may appeal the admonition is to write the Director within 14 days of the date of the admonition and demand that charges be presented to a Panel. The written demand may, but is not required, to state the reasons for the appeal. The Director will then convert the admonition to charges of unprofessional conduct.
- Upon receipt of the charges, the respondent has 14 days to submit an answer. There is no specific format for the answer, but it should admit/deny the factual allegations in the admonition and the conclusions. A party may refer to Rule 6.01, Minnesota Rules of Civil Procedure, for computation of time periods.
- The admonition and the answer are submitted to the Panel Chair as well. Formal service is not required. The Panel will then conduct a de

novo review and decide if there is clear and convincing evidence of a rule violation.

## **2. *What Happens During an Admonition Appeal?***

An admonition appeal has some unique aspects to be considered by all participants although the procedures referenced above relating to Rule 9, RLPR, are applicable.

- The respondent may request a hearing and a hearing is typically held to resolve factual disputes under the clear and convincing standard of review. On occasion, if there are no factual disputes, the Panel may choose to decide the appeal on the written submissions.
- The hearing is conducted in the same format as a probable cause hearing.
- Generally, the witnesses are limited to the respondent and complainant unless good cause is shown for additional witnesses. To the extent other witnesses are needed, the evidence is typically presented in the form of affidavits and potentially depositions in lieu of in-person testimony. *See* Rule 9(h), RLPR.
- The Panel is not limited to the facts or reasoning relied upon by the Director, but the Panel is limited to the specific rule violations alleged by the Director.
- When considering the matter de novo the Panel does not give deference to the district ethics committee determination if one was made (nor is

this generally admissible), nor does the Panel give deference to the Director's determination.

### **3. *What are the Panel's Possible Determinations after the Hearing?***

The Panel has several options available for its determination including:

- Affirm the admonition because it is supported by clear and convincing evidence.
- Find that there is probable cause to believe that public discipline is warranted and direct the Director to file a petition for disciplinary action.
- Reverse the admonition and dismiss the complaint.

### **4. *How will I Receive the Decision and What will it Include?***

You may receive the Panel's decision in one of several formats:

- The Panel may announce the decision orally the same day as the hearing and the Panel's deliberation.
- The Panel may take the appeal under advisement and issue a decision later.
- In all instances you will receive a written decision which will be provided to the respondent and Director by the Panel Chair. The Director will provide a copy of the determination to the complainant.

The specificity of the Panel's decision will depend on the nature of the decision.

- If the Panel affirms the Director, then the decision may be brief and simply adopt the Director's findings and conclusions. The Panel will

advise the respondent of their appeal rights pursuant to Rule 9(m), RLPR.

- If the Panel reverses the Director and dismisses the admonition, then the Panel will make specific findings and conclusions, and advise the complainant of their right to appeal under Rule 9(l), RLPR.
- If the Panel determines that probable cause exists and directs the Director to file a petition for disciplinary action, the Panel will issue specific findings and conclusions.

## **Reinstatement Hearings**

One of the most important responsibilities of the Panel is to make recommendations to the Supreme Court about reinstatement of an attorney to the practice of law. These recommendations are required if the attorney has resigned their license, has been placed on disability status in lieu of discipline, has been suspended for more than 90 days and a reinstatement hearing has been ordered, or has been disbarred. When a petition for reinstatement has been filed, the Director will investigate the matter and issue a report. After the Director's report is issued, the matter proceeds to a Panel to make findings and conclusions and issue its recommendation to the Supreme Court. Rule 18, RLPR, governs reinstatements.

### ***1. How Does the Reinstatement Process Work?***

There are several steps that occur before the reinstatement issue is presented to a Panel. They include:

- The attorney (petitioner in this instance) serves a petition for reinstatement along with the required fee, upon the Director and then files the petition with an affidavit of service, with the Clerk of Appellate Courts.
- The LPRB Chair assigns the matter to a Panel and a notice of Panel assignment will issue.
- Before the Director can investigate the matter, the attorney must meet all the preconditions for reinstatement which include:
  - The petitioner has paid the reinstatement fee.
  - Provide proof that all preconditions for reinstatement set by the Court have been met.
- The Panel Chair will confer with the Director and petitioner to set timelines for completion of the investigation (ideally in four months), any discovery matters, exchange of exhibits, witness lists and a hearing date.

## **2. *What Can I Expect During the Investigation?***

The Director will typically conduct an exhaustive investigation to support or refute as to whether petitioner has shown rehabilitation so that they are fit to be reinstated. If the investigation follows resignation, and not discipline or disability, a different investigation is warranted. An investigation may include:

- Interviewing witnesses who have knowledge of the petitioner's competency and conduct since the suspension, disbarment or period of disability.

- Reviewing petitioner’s medical records and consulting with any treating professionals.
- Confirming petitioner has completed the Multistate Professional Responsibility Exam (MPRE) and is current with all CLE requirements.
- Determining any outstanding obligations to the Client Security Board.

At the conclusion of the investigation the Director will issue a report of the investigation to the Panel. The Director may take a position on reinstatement in the report or may reserve or modify that position based upon evidence offered by the petitioner. The report is then provided to the Panel Chair and the petitioner.

### ***3. Is there Always a Panel Hearing?***

A Panel hearing is typically conducted for all reinstatements. In rare instances, such as a reinstatement after a resignation, the Panel may make its recommendations without a hearing based upon the petition and the Director’s report.

### ***4. What are the Procedures for the Hearing?***

The general hearing procedures described in these guidelines apply to reinstatement hearings. The three main differences are:

- Reinstatement proceedings are open to the public.
- Witness testimony is not as limited and will include character evidence, affidavits and letters of recommendation which will be received with the approval of the Panel Chair.
- Petitioner has the burden of proof.

At the end of the hearing, the Panel Chair may request additional briefing or investigation if needed. The Panel Chair may also request that each party provide proposed findings and conclusions.

#### **5. *What Does the Panel Consider and Decide?***

In making its decision, the Panel must decide whether the petitioner has shown by clear and convincing evidence that the petitioner has undergone such a moral change as to render the petitioner a fit person to enjoy the public confidence and trust that the petitioner once forfeited. Generally, the Panel will recommend that the petitioner's petition for reinstatement should be granted or denied. The Panel may also recommend that the reinstatement include conditions such as a period of probation or such other terms as may protect the public. The inquiry upon a petition from resignation focuses on the current fitness to practice of the petitioner, and the inquiry upon a petition from disability status in lieu of discipline focuses on whether the disability has abated, and the lawyer is currently fit to practice law.

In making its decision on a petition after discipline, the Panel will make findings and conclusions that consider the following:

- What is the petitioner's present character and fitness to practice law?
- Is the petitioner aware of the wrongfulness of their conduct?
- What is the length of time since the disbarment or suspension?
- Are there any physical or psychological illnesses or pressures which can and were corrected?
- What was the seriousness of the misconduct?

- Has there been a showing of a true moral change?

## **6. *How will I Know what the Panel Decides?***

The Panel may confer and decide the day of the hearing by first issuing an oral decision. The Panel may also take the matter under advisement for further briefing and proposed findings and conclusions.

Ultimately, the Panel will issue findings of fact, conclusions of law and a recommendation to the Supreme Court. The findings and conclusions must be sufficiently detailed to allow the Supreme Court to fully review and consider the recommendations.

The Panel's decision does not have to be unanimous, and a dissenting Panel member may also issue findings and conclusions and a recommendation but does not have to do so.

## **7. *What Happens Next?***

Once the Panel has completed its written findings and conclusions and recommendations, copies will be provided to the Director and the petitioner. The Director then files the decision with the Clerk of Appellate Courts and serves the decision on the petitioner.

Either the petitioner or the Director may challenge the Panel's findings, conclusions or recommendation. To challenge the findings and conclusions, a party must order a transcript within 10 days of the date of service of the recommendation as set forth in Rule 18(c), RLPR. If neither party orders a transcript, then the Panel's findings and conclusions are conclusive. If one party orders a transcript, then either party may challenge any findings and conclusions.

If no transcript is ordered, a party may still challenge the recommendation based upon the conclusively determined findings and conclusions.

After the decision is served and filed, then any further issues are addressed to the Supreme Court. Rule 18(d), RLPR. The Supreme Court considers the Panel recommendations but is not bound by the recommendation.

## GLOSSARY

**Admonition:** Private discipline for conduct that the Director has determined is isolated and non-serious. Admonitions are generally issued by the Director and may be appealed to a Panel of the LPRB. A Panel of the LPRB considering charges of unprofessional conduct presented to it by the Director can also issue an admonition if it finds that the unprofessional conduct was isolated and nonserious and not a matter for public discipline.

**Admonition Appeal:** Appeal to a Panel by a respondent from an admonition by the Director. Panels hold evidentiary hearings on admonition appeals.

**Board Chair:** The chairperson of the LPRB, who is appointed to that position by the Court. The Board Chair appoints Panel members, Committee members, and Executive Committee members, communicates with the Director and the Court Liaison on behalf of the LPRB, and presides over both Board and Executive Committee meetings.

**Bypass:** If a respondent admits that probable cause exists for some or all charges, then the Director may file with the Court a petition for disciplinary action together with the respondent's admissions. In such cases the respondent may still dispute whether respondent violated the rules. The disciplinary process bypasses the LPRB, and the Court determines whether or not to impose discipline without LPRB involvement.

**Charge(s) of Unprofessional Conduct (Charges):** Written allegations by the Director that a respondent has violated the MRPC.

**Clear and Convincing Evidence:** Clear and convincing evidence is the standard of proof required in disciplinary proceedings. This standard requires more than the preponderance of the evidence standard in civil cases but less than beyond a reasonable doubt standard in criminal cases. Court decisions establish that this standard is met when the truth of the facts asserted is highly probable.

**Complaint:** A complaint is a document filed with the OLPR by a complainant alleging that a respondent has engaged in unprofessional conduct that may violate the MRPC. Most matters start with a complaint, but there are a handful of ways a matter may be opened without a complaint.

**Complainant:** A person or entity who has filed a complaint with the OLPR against a respondent.

**Complainant Appeal:** A complainant may appeal any decision of the Director with which the complainant is dissatisfied.

**Conditional Admission Agreement:** A confidential agreement signed by an applicant for admission to practice law in Minnesota with the Minnesota Board of Law Examiners (BLE), agreeing that the applicant may be admitted to practice law in Minnesota only on certain conditions that the applicant must fulfill. If a lawyer does not comply with their conditional admission agreement, the BLE will forward the matter to the OLPR to investigate and, if appropriate, pursue revocation of the conditional admission.

**Court:** The Supreme Court of the State of Minnesota, the highest authority within the constitutionally established Judicial Branch of Minnesota state government. The Court is responsible for the operations of the Judicial Branch. Only the Court can license lawyers in Minnesota and only the Court can suspend or disbar a lawyer for violation of the MRPC.

**Court Liaison:** A Justice of the Court assigned to interact with the LPRB. The Court Liaison typically attends public meetings of the LPRB and interacts with the Board Chair on a regular basis regarding LPRB matters. The Court Liaison usually, but not always, signs Court orders relating to the LPRB or respondent discipline.

**DEC:** There are 21 District Ethics Committees (DEC) in Minnesota, all composed of volunteers. DECs investigate complaints of respondents' alleged unprofessional conduct referred to them by the Director and make reports and recommendations thereon as provided in the RLPR in a format prescribed by the Executive Committee. DECs meet from time to time as required and must meet at least annually.

**Director:** The Director of the OLPR. The Director is an employee of the Judicial Branch and is appointed for a two-year term. The Director manages the OLPR. The Director is responsible and accountable to the Court.

**DNW:** Discipline Not Warranted (DNW) is a determination by the Director that discipline is not warranted. This can be after an investigation or with no investigation.

**Executive Committee:** The Executive Committee of the LPRB, consisting of the Board Chair plus two lawyers and two non-lawyers, designated annually by the Board Chair. The Executive Committee is responsible for the activities of the LPRB and acts on behalf of the LPRB between meetings. The Board Chair shall appoint an attorney on the Executive Committee to be a Vice-Chair.

**Judicial Branch:** One of the three co-equal branches of Minnesota state government established by the Minnesota Constitution. The Judicial Branch includes the Court, the court of appeals, the district courts, the OLPR, and various boards and committees established by the Court including the LPRB.

**LPRB:** The Lawyers Professional Responsibility Board (LPRB) is a part of the Judicial Branch's disciplinary system. The LPRB was created by the Court and operates pursuant to rules established by the Court. LPRB members are appointed by the Court. The LPRB is composed of a Board Chair, thirteen lawyers and nine public members, who are not lawyers, who reside in Minnesota. LPRB members are appointed for a three-year term and can be reappointed once for a second three-year term. If the LPRB member is appointed to complete the unexpired term of a previous member, the appointee may subsequently be appointed to two full terms after completion of the unexpired term. Volunteer LPRB members serve without compensation but are entitled to reimbursement of expenses such as mileage and postage. The LPRB has no separate budget and no staff but LPRB activities such as meeting expenses and training are included within the OLPR's budget.

**MRPC:** The Minnesota Rules of Professional Conduct (MRPC) are the rules adopted by the Court which set forth the ethical obligations of lawyers practicing in the State of Minnesota. A violation of the MRPC can result in discipline by the Director (private admonitions and private probation), a Panel (private admonitions) or the Court (all public discipline).

**OLPR:** The Office of Lawyers Professional Responsibility (OLPR) is the part of the Judicial Branch that investigates and prosecutes allegations of misconduct by respondents. The OLPR receives complaints. The OLPR may summarily dismiss complaints, investigate complaints, or assign complaints to DEC's for investigations. The OLPR prosecutes cases against lawyers in matters where the Director determines public discipline is warranted.

**OLPR Liaison:** An OLPR staff member assigned to provide administrative, research, and other support to an LPRB Committee.

**Panel:** The LPRB is divided into six Panels of three members each. Each Panel must have at least one lawyer member and one public member, and each Panel must have a Panel Chair and a Vice-Chair. Executive Committee members do not serve on Panels.

**Panel Chair:** A Panel member appointed by the Board Chair to lead Panel operations.

**Probable Cause:** Probable Cause means that a reasonable person would conclude that it is more likely than not that an alleged violation can be proven by clear and convincing evidence.

**Reinstatement:** An attorney who has been suspended for more than 90 days, disbarred, placed on disability status, or who has resigned may petition the Court for reinstatement and must go through an LPRB hearing process. Lawyers suspended for 90 days or less may seek reinstatement by affidavit and do not have to go through an LPRB hearing process.

**Respondent:** A lawyer against whom a complaint has been filed with or by the OLPR. A respondent need not be licensed to practice law in Minnesota to be the subject of a complaint.

**Respondent Appeal:** A respondent to whom the Director has issued an admonition may appeal the admonition to a Panel.

**RLPR:** The Rules on Lawyers Professional Responsibility (RLPR) issued by the Court to govern attorney discipline proceedings before the OLPR, the LPRB, and the Court.

**SharePoint:** The secure Judicial Branch website to which all LPRB documents are posted, including all appeal documents. Each LPRB member is issued a username and password for accessing SharePoint.

**Stipulation for Discipline:** An agreement between the Director and a respondent for public discipline entered into in writing and approved by the Court.

**Stipulation for Probation:** An agreement between the Director and a respondent for private probation entered into in writing and approved by the Board Chair or Vice-Chair. Private probation is a form of discipline but cannot be imposed by the Director or the LPRB without the consent of a respondent.

**SD:** Summary Dismissal (SD) is a determination made by the Director, without any investigation being conducted by a DEC or the OLPR, that discipline is not warranted. These are not appealable pursuant to Rule 8(b) of the Minnesota Rules on Lawyers Professional Responsibility.