

LAWYERS PROFESSIONAL RESPONSIBILITY SEMINAR 2024
Friday, September 27, 2024

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

Seminar Agenda

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| 8:30-9:00 | <i>Registration and Breakfast (provided); Webinar Opens</i> |
| 9:00-9:30 | Update from the Lawyers Professional Responsibility Board
<i>Ben Butler, LPRB Chair</i> |
| 9:30-10:15 | Question and Answer Session with Justice Gordon Moore, III (Pre-Recorded)
<i>Honorable Gordon Moore, Associate Justice, Minnesota Supreme Court</i>
<i>Susan Humiston, Director, Office of Lawyers Professional Responsibility</i> |
| 10:15-11:00 | When We Depart: Lessons for Investigators
<i>Krista Barrie, Managing Attorney, OLPR</i> |
| 11:00-11:15 | <i>Break</i> |
| 11:15-11:45 | Hot Topics in Legal Ethics
<i>Susan Humiston, Director, OLPR</i> |
| 11:45-12:00 | Intersection of Discipline & Lawyer Well-Being: Real Life Considerations
<i>Sarah MacGillis, Outreach Director, Lawyers Concerned for Lawyers</i> |
| 12:00-12:45 | <i>Box Lunch (provided for in-person)</i> |
| 12:45- 1:00 | Presentation of Volunteer of the Year Awards (Pre-Recorded)
<i>Honorable Gordon Moore, III, Associate Justice</i> |
| 1:00-1:30 | Nonlawyer Involvement in the Discipline System: A Panel Discussion
<i>Kristine Fuge, Senior Assistant Director, OLPR (moderator)</i> |
| 1:30-2:15 | Practical Advice for Investigations, Writing a DEC Report and Other Tips
<i>Karin Ciano, Senior Assistant Director, OLPR</i> |
| 2:15-3:00 | Focus on Common Rule Violations
<i>Tim Burke, Senior Assistant Director, OLPR</i> |

Session Descriptions:

Update from the Lawyers Professional Responsibility Board

The Lawyers Professional Responsibility Board is always busy, and current times are no different. This “Update” session will look at roles and responsibilities within the discipline system, including the various roles Board members serve, updates regarding Board initiatives including several substantive proposed rule changes in the works, in addition to proposed procedural rule changes, and will provide context for investigators from those who review their work when decisions are contested.

Question and Answer Session with Justice Gordon Moore, III

This session, pre-recorded due to a conflict, will introduce the audience to Justice Moore, the new liaison justice to the LPRB and OLPR. This session will dive into Justice Moore’s journey to the Minnesota Supreme Court, the role of a liaison justice to the regulatory boards and offices, observations on issues surrounding the practice of law in current times and the interconnection to discipline, and will provide updates from the Court on the discipline system, including an update on work of the Rules Advisory Committee the Court asked to review several of the procedural rules that govern discipline.

When We Depart: Lessons for Investigators

District ethics committee recommendations are carefully reviewed and considered by OLPR senior attorneys, and we follow the recommendations in approximately 80%-85% of investigations. What about the other 15-20%? This popular session will explore specific situations (anonymized) where the Office departed from DEC recommendations, exploring the various reasons for departure and will include suggestions and lessons for both new and experienced ethics investigators.

Hot Topics in Legal Ethics

Artificial intelligence and the practice of law is not the only ethics topic that has the attention of legal practitioners around the country. This session will cover some of the ethics topics that are generating conversation, including in the areas of AI, confidentiality, nonlawyers practicing law, due diligence on clients, multi-jurisdictional practice, election cases, frivolous claims and the limits of advocacy, restrictions on the right to practice and so much more. This session will also cover trends in lawyer discipline that discipline chiefs throughout the country are seeing and what is happening in Minnesota.

The Intersection of Discipline and Lawyer Well-Being: Real Life Considerations

Lawyers Concerned for Lawyers has a new outreach director and lots of programs and resources to support lawyers with any topic that causes stress or distress. This brief but informative session will cover some of the newer programs LCL is offering, including a support group for solo practitioners and lawyers going through discipline. Investigators may encounter lawyers or complainants in distress. This session will highlight some resources you can share to assist those in need. Time permitting this session will also cover some resilience tools you may find useful.

Nonlawyer Involvement in the Discipline System: A Panel Discussion

Panelists: Marilyn Cook, Maren Koncilja, Paul Lehman

For more than five decades, nonlawyers have played a key role in Minnesota's lawyer disciplinary system. The participation of lay members has helped to strengthen and promote the credibility of the discipline process in the eyes of system participants and the public. Sharing points of view that might otherwise be overlooked by lawyers with a common background and mindset, lay members ensure the system provides a diversity of thought in ensuring fairness and justice. Panelists will share their experiences to highlight the value and importance of the nonlawyer role.

Practical Advice for Investigations, Writing a DEC Report and Other Tips

This session will explore updates to the DEC handbook and revised DEC report forms to help you ensure that your investigation is thorough and complies with the applicable procedural rules. You will also receive guidance on how to get your questions answered, best practices on file organization and documentation and tips for securely and promptly returning files to the Office, along with substantive guidance on how to effectively communicate the results of your investigation. Information on what happens after you turn in your investigation and recommendations will also be covered, along with introductions to the Office's new DEC Coordinator, Mara Medved, and Office Administrator, Sam Stanley.

Focus on Common Rule Violations

While all investigations are different, sometimes there are common issues that arise, and common errors we see. This session will focus on common rule violations to help investigators effectively spot and analyze potential misconduct.

Speaker Biographies:

Krista Barrie: Krista Barrie is a Managing Attorney with the Minnesota Office of Lawyers Professional Responsibility. Ms. Barrie is the assistant director of the Client Security Board and oversees the OLPR's trust account overdraft program. Before joining the OLPR, Ms. Barrie was a criminal prosecutor and worked in private practice, focusing on commercial and intellectual property litigation. Ms. Barrie is a graduate of the University of Minnesota Law School and received her B.A. from the University of Virginia.

Tim Burke: Tim Burke is a Senior Assistant Director with the Director's Office, having spent more than 30 years with the Office handling a full range of professional responsibility issues. Over the course of his career, Mr. Burke has appeared more than 50 times before the Minnesota Supreme Court. Mr. Burke is the liaison to the 18th and 21st District Ethics Committee, leads the Office's probation department, and has served as an Assistant Director of the Minnesota Client Security Board. Before joining the Office of Lawyers Professional Responsibility, Mr. Burke practiced with the Minneapolis law firm then known as Gray, Plant, Mooty, now Lathrop GPM. He is a graduate of the University of Minnesota Law School.

Ben Butler: Ben Butler is the Chair of the Lawyers Professional Responsibility Board. The Minnesota Supreme Court appointed him to that position in 2023 after appointing him to the Board in 2021. Since 2002, Mr. Butler has represented indigent clients in criminal appeals and postconviction actions with the Office of the Minnesota Appellate Public Defender, where he has served the past 11 years as a Managing Attorney. Mr. Butler obtained his J.D. from the University of Minnesota Law School.

Karin Ciano: Before joining the Office of Lawyers Professional Responsibility in February 2021, Karin Ciano volunteered as an investigator for the Fourth District Ethics Committee, and currently is a liaison to the Fourth DEC. Ms. Ciano has practiced law for nearly 25 years as a solo and small-firm lawyer, a big-firm associate, and a federal career clerk. She serves on the board of LegalWise, a solo-practice incubator affiliated with Mitchell Hamline School of Law and is also a member of the Rotary Club of Saint Paul. Ms. Ciano teaches professional responsibility at the University of St. Thomas College of Law.

Kristine Fuge: Kristine Fuge is a Senior Assistant Director at the Office of Lawyers Professional Responsibility, joining the OLPR in September 2023 after 27 years of legal practice experience. Prior to joining the OLPR, Ms. Fuge served as general counsel for a non-profit health care organization where she was responsible for compliance and risk

management for five years. Ms. Fuge has eight years of experience in a general practice in several small firms and spent fourteen years as an assistant Chisago County attorney in the civil division. Ms. Fuge previously volunteered as an investigator with the Nineteenth District Ethics Committee.

Susan Humiston: Susan Humiston is the director of the Office of Lawyers Professional Responsibility and Client Security Board in Minnesota. Prior to her appointment in 2016, Ms. Humiston was Vice-President and Assistant General Counsel for Alliant Techsystems Inc. and its public company spin-off Vista Outdoor Inc., and was a partner at Leonard, Street and Deinard, now Stinson LLP, where she practiced product liability and general commercial litigation. Ms. Humiston clerked for U.S. District Court Judge David S. Doty, is a graduate of the University of Iowa College of Law and received her B.A. from the University of Nebraska-Lincoln. She is currently vice-chair of the board for Doing Good Together, a non-profit focused on empowering families to raise children who care and contribute and is a former board chair and board member of the Minnesota Boychoir, the oldest boychoir in the Twin Cities.

Sarah MacGillis: Sarah MacGillis joined Lawyers Concerned for Lawyers as Outreach Director after a 27-year career in litigation. With a deep-seated compassion and genuine interest in people, Ms. MacGillis is dedicated to ensuring attorneys receive robust targeted support and rapid access to essential services when they are needed. Ms. MacGillis' extensive background encompasses both civil and criminal defense litigation as well as administrative matters involving licensed professionals. She was recognized as a Super Lawyer every year from 2011-2024. In addition, she previously acted as a Federal Defender Mentor for the District of Minnesota, supervising new federal practitioners involved in criminal defense matters as part of the Criminal Justice Act. She has been an Adjunct Professor at both Mitchell Hamline and the University of Minnesota Law Schools and has been a member on multiple professional boards.

Honorable Gordon Moore, III: Justice Moore is an Associate Justice on the Minnesota Supreme Court. Justice Moore was appointed to the Court by Governor Tim Walz on August 3, 2020. Prior to joining the Court, Justice Moore served as a District Court Judge, Fifth Judicial District, in Nobles County from March 2012 to July 2020. Justice Moore was the Nobles County Attorney from January 2003 to February 2012, and before that, practiced at the law firm of Von Holtum, Malters & Shepherd in Worthington, Minnesota. Prior to entering private practice in 1995, Justice Moore served as a Special Assistant Attorney and Assistant Attorney General in the Minnesota Attorney General's Office from August 1988 to January 1995. Justice Moore received his B.A. from Carleton College and his law degree from the University of Iowa College of Law.