

Nonlawyer Involvement in the Disciplinary System: A Panel Discussion

Panelists:

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Office of Lawyers Professional Responsibility
Protecting the Public · Strengthening the Profession

Welcome

Maren Koncilja

Paul Lehman



Background

Minnesota's Code of Professional Responsibility became effective in August 1970. It was supplanted by the first version of the Rules of Professional Conduct in 1985.

Minnesota's Rules on Lawyers Professional Responsibility took effect in February 1971.



Background

In 1970, Minnesota established the Lawyers Professional Responsibility Board (LPRB) and in 1971 the Office of Lawyers Professional Responsibility (OLPR) to provide full-time statewide authority to oversee lawyer discipline.



Background

In 1972, Minnesota appointed three lay members to the LPRB. At that time, only a handful of states had incorporated nonlawyers into their lawyer disciplinary processes.



Background

It was believed in 1972 that lay members would “enhance the credibility of the disciplinary system in the eyes of the complainants and the general public.”

By 1978, it was clear that lay members were offering “insights and points of view that might otherwise be overlooked by attorney members.”

Lawyers Professional Responsibility Board, Report, R. Walter Backman, Jr.,
Bench & Bar (July 1978)



Background

In 1993, a committee charged with evaluating the lawyer disciplinary system in Minnesota recognized the value of nonlawyer participation in the Minnesota disciplinary system.

Nonlawyer Involvement In The Disciplinary System, Patrick R. Burns,
Minnesota Lawyer (April 10, 2000)



Background

In 2023, the Minnesota Supreme Court issued its order regarding the 2022 ABA Standing Committee on Professional Regulation Report and retained the current district ethics committee structure utilizing both lawyer and nonlawyer members.

Order Regarding the Report and Recommendation of the American Bar Association Standing Committee on Professional Regulation on the Minnesota Discipline System dated August 23, 2023, located in Supreme Court File Nos. ADM10-8042; ADM10-8043



Rules

District Ethics Committee

Rule 3(a)(2), Rules on Lawyers Professional Responsibility (RLPR) requires **at least 20 percent** of each District Committee's members shall be nonlawyers.

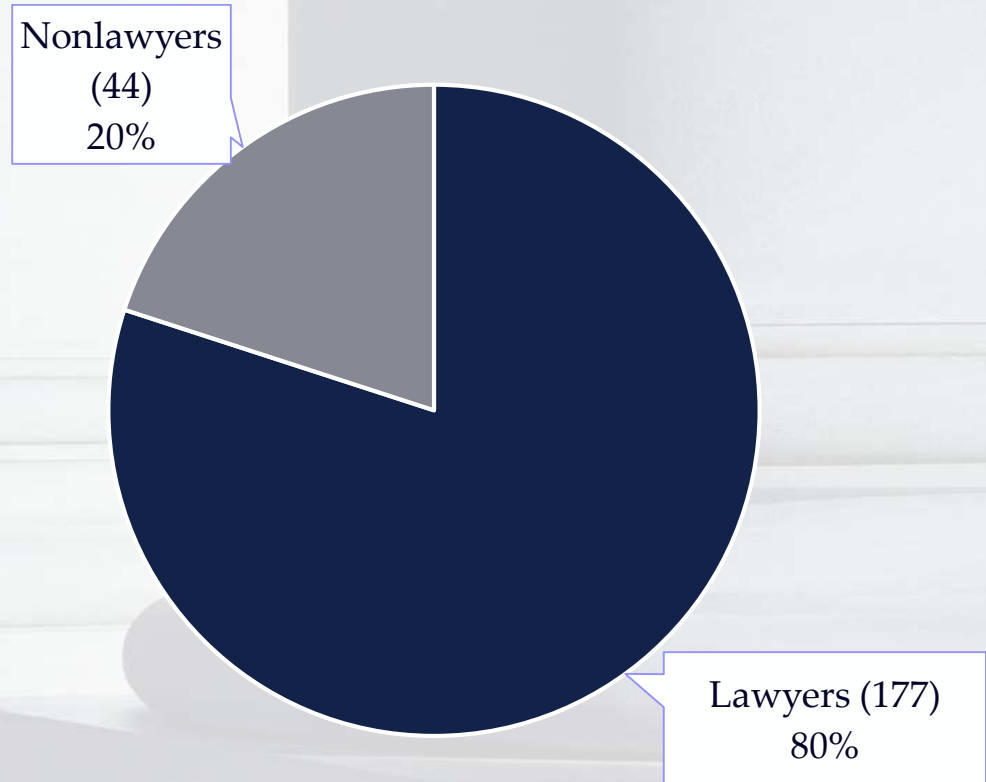
Lawyers Professional Responsibility Board

Rule 4(a)(2), RLPR, requires the LPRB to consist of a chair, 13 lawyers, and 9 nonlawyers, equating to a 40% nonlawyer/60% lawyer division.



Statistics

As of July 1, 2024, across the 21 Districts there were 221 total DEC Members consisting of 44 nonlawyers and 177 lawyers.



Statistics

District	Total DEC Members as of 7/1/2024	Percentage of Nonlawyers
District 1	11 members	18% Non-Lawyer
District 2	16 members	13% Non-Lawyer
District 3	8 members	25% Non-Lawyer
District 4	69 members	17% Non-Lawyer
District 5	3 members	33% Non-Lawyer
District 6	5 members	20% Non-Lawyer
District 7	16 members	19% Non-Lawyer
District 8	6 members	17% Non-Lawyer
District 9	5 members	20% Non-Lawyer
District 10	3 members	0% Non-Lawyer
District 11	7 members	29% Non-Lawyer



Statistics

District	Total Members as of 7/1/2024	Percentage of Nonlawyers
District 12	5 members	20% Non-Lawyer
District 13	8 members	25% Non-Lawyer
District 14	6 members	17% Non-Lawyer
District 15	3 members	0% Non-Lawyer
District 16	2 members	0% Non-Lawyer
District 17	4 members	25% Non-Lawyer
District 18	7 members	29% Non-Lawyer
District 19	14 members	29% Non-Lawyer
District 20	8 members	25% Non-Lawyer
District 21	15 members	27% Non-Lawyer



Panel Questions



Maren Koncilja

Paul Lehman



Recruitment Ideas

Direct Referrals

Ask each member of your DEC committee to ask a nonlawyer to consider joining them in the work. You are the best advertisement out there!



Recruitment Ideas

District Bar

At your annual local district bar association meeting, does the topic of DEC volunteer work make your agenda?
If not, why not?



Recruitment Ideas

Trade or Practice Groups

Are you a member of a trade or practice group such as Academy of Matrimonial Lawyers, Association of Criminal Defense Lawyers, Association of Public Accountants, Association of Trial Lawyers, Paralegal Association ... Consider how you might leverage those already existing communication channels.



Recruitment Ideas

Community Groups

Make a short list of people you already know from connections you already have (e.g. Chamber of Commerce, Community Foundation, Kiwanis, Lions, Masons, Rotary). Consider speaking briefly at an upcoming meeting to share the volunteer opportunity.



Closing Thoughts

