

**Practical Advice  
for investigations, writing DEC  
reports, and other tips**

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OLPR co-liaison, 4<sup>th</sup> DEC**



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

# Overview

- Resources
- Writing your report
- Returning your file
- Thank you!



# Resources

- New DEC Handbook
  - Handbook, checklist, flow chart, FAQs
- Training videos
- SharePoint

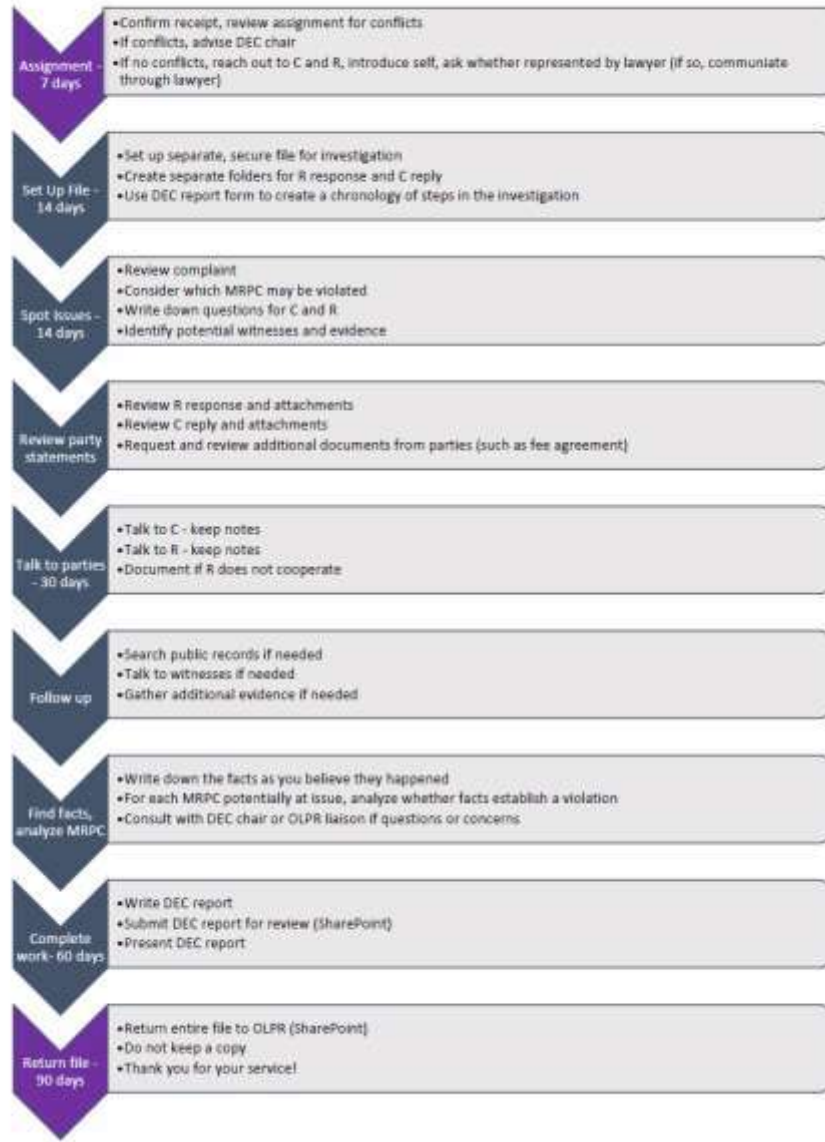
DISTRICT ETHICS COMMITTEE

HANDBOOK

(Revised July 2024)



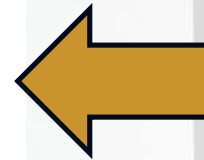
## Minnesota District Ethics Committee Investigation Process



# DEC Investigation Process



## Minnesota Process from Complaint to Determination



DEC is here

A lot happens  
after the file  
comes back



# DEC SharePoint Homepage

The screenshot shows the SharePoint interface for the District Ethics Committee (DEC). At the top, there is a navigation bar with 'SharePoint' on the left and user information 'Ciano, Karin' on the right. Below the navigation bar, there are two tabs: 'DEC Home Page' and '4th DEC'. A search bar is located in the top right corner. The main content area features a large banner for the 'MINNESOTA Lawyers Professional Responsibility Board Office of Lawyers Professional Responsibility'. The banner includes the board's logo, contact information (445 Minnesota Street, Suite 2400, St. Paul, Minnesota 55101), and phone numbers (651-296-3952 and 1-800-657-3601). A yellow arrow points from the text 'How To Use This Site' to the corresponding link in the left-hand navigation menu. The left-hand menu contains various links such as 'Sign in As Different User', 'TOOLS FOR DEC INVESTIGATORS', 'How To Use This Site', 'Investigation Forms', 'DEC Handbook', 'Appendices to DEC Handbook', 'FAQ's', 'Common Issues Arising in DEC Investigations', 'Helpful Hints', 'DEC Glossary', 'DEC Investigation Checklist', 'Investigation Flow Chart', 'DEC Training Materials', '4th DEC', 'Recent', 'Audit Log', and 'Site contents'. The main content area below the banner includes a 'Welcome to the District Ethics Committee Intranet' message, an 'Announcements' section with several items (e.g., 'Order - Shoeborg - Reinstated and Probation', 'LAST CALL FOR REGISTRATION OF IN-PERSON 2024 SEMINAR', 'ONLY 3 DAYS LEFT TO REGISTER FOR THE LAWYERS PROFESSIONAL RESPONSIBILITY SEMINAR', 'Order | Host Suspension'), and a 'Links' section on the right with various resources like 'DEC', 'DEC Chair/Uaicons Roster', 'DEC Committee of LPRB', 'OLPR', 'LPRB & OLPR Website', 'Staff List', 'Client Security Board Website', 'LPRB Meeting Materials', 'Annual Reports', 'Rules', 'Rules Governing Minnesota Lawyer Discipline', 'Mn Rules of Professional Conduct', and 'Mn Rules on Lawyers Professional'.





DEC Home Pag

# Home

Sign In As Different User

TOOLS FOR DEC INVESTIGATORS:

How To Use This Site

Investigation Forms

DEC Handbook

Appendices to DEC Handbook

FAQ's

Common Issues Arising in DEC Investigations

Helpful Hints

DEC Glossary

DEC Investigation checklist

Investigation Flow Chart

DEC Training Materials

4th DEC

Recent

AuditLogs

Site contents



DEC Home Page 4th DEC



## DEC Home Page

Sync Export to Excel

### How To Use This Site

Name

DEC SharePoint User Guide SP1...



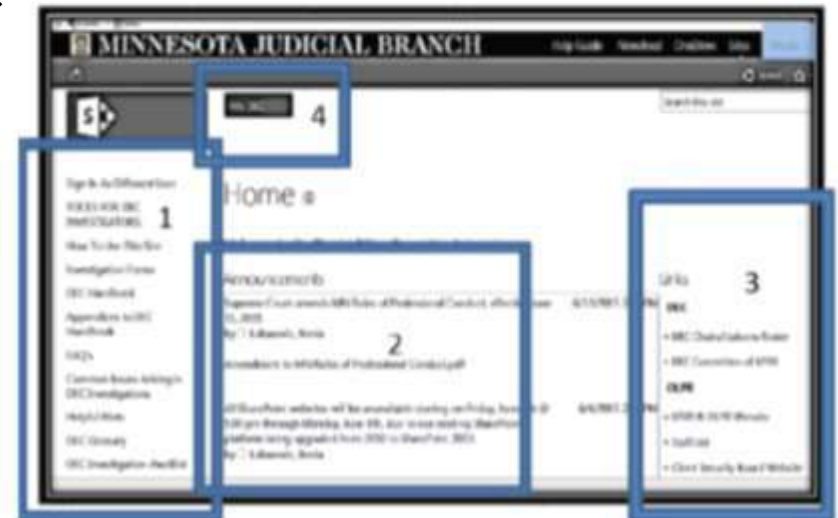
### Announcements

- Title
  - Order - Shoeberg - R
  - LAST CALL FOR REGIS
- If you are still interested in  
You may register for our w  
We hope to see you there

## Home Page

This is the "Home" page. It is the first screen you see after you log in. The information and links on this page are shared by all 21 DEC's, except for the link to your own DEC.

There are four main parts to this page (outlined in blue): 1) Information on conducting an investigation; 2) Announcements; 3) Useful links to the Office of Lawyers Professional Responsibility public web-site; 4) Your DEC link



Office of Lawyers Professional Responsibility  
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# Your DEC SharePoint Page

SharePoint

BROWSE PAGE

DEC Home Page 4th DEC

4th DEC

DEC Report Review  
Reports  
Documents  
Pending Investigations  
Monthly Reports  
Determinations  
4th DEC Training Materials  
Committee Forum  
DEC Discussion  
Committee Documents  
Lists  
Submit A Question  
Calendar

Recent  
DEC Report Discussion  
Announcements  
Completed Investigation Files  
Site contents

DEC Home Page > 4th DEC

## Announcements

+ new announcement or edit this list

Current View

Title	Modified
Please mentor a new committee member	July 2
Updated DEC Report Form	February 15
4th DEC Liaison OLPR Atty. (eff. 10.1.2023)	December 14, 2023

1 - 3

Reports - Please use the following format to title your reports: -File No \_\_\_\_\_ Respondents Last name - Complainants Last name'

Type	Name	Respondent	Complainant	Scheduling/Committee (presentation) Date
	[Redacted]	CG	EW	10/2/2024
	[Redacted]	PS	JS	10/2/2024
	[Redacted]	AW	LU	10/2/2024
	[Redacted]	PAT	YK	10/2/2024
	[Redacted]	APS	YK	10/2/2024
	[Redacted]	RC	QN	10/2/2024
	[Redacted]	DG	QN	10/2/2024

Add document

DEC Report Discussion (Discuss Your Reports Here)

## DEC Links

### DEC Information

- How to use this site
- Roister
- FAQs
- Glossary
- Investigation Forms
- 4th DEC Meeting Dates

### OLPR

- LPRB & OLPR Website
- Staff List
- Client Security Board Website

### Rules

- Rules Governing Minnesota Lawyer Discipline
- MN Rules of Professional Conduct
- MN Rules on Lawyers Professional Responsibility
- Panel Manual
- Board Opinions

### Articles

- Professional Responsibility Articles



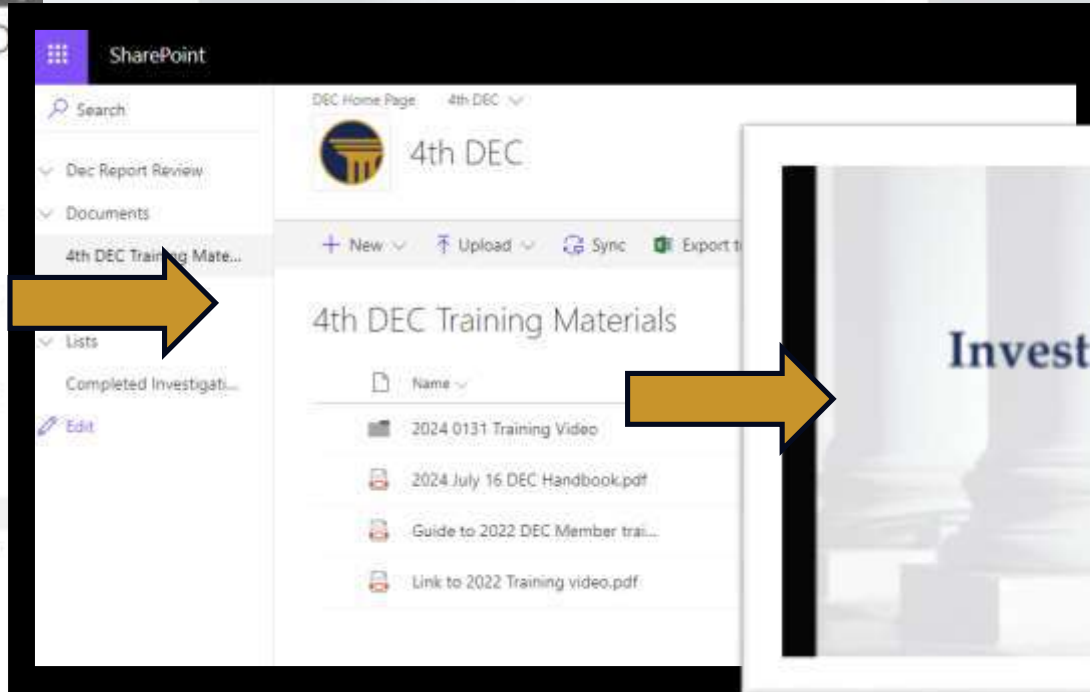
# Additional resources



DEC Home Page

4th DEC

- DEC Report Review
  - Reports
- Documents
  - Pending Investigations
  - Monthly Reports
  - Determinations
  - 4th DEC Training Materials
- 4th DEC Training Materials
- Committee Forum
  - DEC Discussion
  - Committee Documents
- Lists
  - Completed Investigations
- Recent
  - DEC Report Discussion
  - Announcements
  - Completed Investigation Files
- Site contents



SharePoint

DEC Home Page 4th DEC

4th DEC

4th DEC Training Materials

Name
2024 0131 Training Video
2024 July 16 DEC Handbook.pdf
Guide to 2022 DEC Member train...
Link to 2022 Training video.pdf



4th DEC  
Investigator Training 2.0

OLPR Liaisons  
Karin Ciano  
Kristine Fuge



# SharePoint questions?

- Need login? DEC Coordinator
- Settings? (651) 296-3952
- How to upload? Mara Medved
- How to view reports? Sam Shanley (backup)
- How to comment? [DECCoordinator@](mailto:DECCoordinator@courts.state.mn.us)
- Reviewing final [courts.state.mn.us](http://courts.state.mn.us) determinations?



We welcome your feedback on  
DEC resources!



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# WRITING YOUR REPORT



Office of Lawyers Professional Responsibility  
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INVESTIGATION REPORT OF THE  
DISTRICT ETHICS COMMITTEE

RESPONDENT ATTORNEY: *Click here to enter text.*

RESPONDENT'S COUNSEL: *Click here to enter text.*

COMPLAINANT: *Click here to enter text.*

OLPR FILE NO.: *Click here to enter text.*

INVESTIGATOR: *Click here to enter text.*

DEC: *Click here to enter text.*

- Word document with prompts that vanish when you click
- Adds prompts for
  - Respondent's counsel
  - OLPR File Number (12345)
  - DEC Number

What's new?



# Writing Your Report: Investigation

- Sections I through III of the new form
  - Summary of Complaint
    - Complainant's perspective
  - Possible Ethical Violations
    - Rules and headings (or subheadings)
  - Chronology of Investigation
    - Dates of key events
  - Check boxes about complainant response and conversations



The complainant is/was respondent's client and was provided a copy of the respondent's response, and was invited to provide a response to the respondent's response in writing:

- Yes
- No (If no, explain below.)

*Click here to enter text.*



Yes



No

The complainant was not the respondent's client and was provided a written summary or redacted copy of the respondent's response, and was invited to provide a response to the respondent's response in writing:

- Yes
- No (If no, explain below.)

*Click here to enter text.*

# Client?

**\*See Rule 6(d) and Rule 20(a)(5) of the RLPR regarding whether to provide the complainant with a summarized/redacted copy or a full copy.**

The investigator had at least one conversation with the complainant and at least one conversation with the respondent about the complaint:

- Yes
- No (If no, explain below.)

*Click here to enter text.*



# Did the Respondent Cooperate?

IV. Did the respondent comply with their obligations under Rule 8.1, Minnesota Rules of Professional Conduct (MRPC), and Rule 25, RLPR?

Yes

No (If no, explain below.)

*Click here to enter text.*

If no response to the NOI, or to your requests for information, the answer is probably No



# Writing Your Report: Memorandum

- Findings of Fact
  - Narrative summary
  - Credibility determinations
- Analysis
  - Standard of proof (leave as-is)
  - Headings for each Rule considered
    - Diligence – Rule 1.3, MRPC
    - Communication – Rule 1.4(a)(3), MRPC



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## MEMORANDUM

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### Findings of Fact:

*In narrative format, present a summary of your factual findings. If the parties disagree on facts, make a determination on what you think happened and explain why. Your determination can consider credibility and motivation.*

### Analysis:

The standard of proof required in attorney disciplinary proceedings is “full, clear, and convincing evidence.” *In re Nelson*, 733 N.W.2d 458, 461 (Minn. 2007). This standard is met when “the truth of the facts asserted is highly probable.” *In re Dedefo*, 752 N.W.2d 523, 529 (Minn. 2008). Clear and convincing evidence is established by more than a preponderance of the evidence, but less than proof beyond a reasonable doubt. *Weber v. Anderson*, 269 N.W.2d 892, 895 (Minn. 1978).

*Prepare an outline discussing each rule mentioned above in numerical order. Create a subheading for each rule (or subpart) analyzed. Under that subheading, first identify the*



# Example

## MEMORANDUM

### Summary of Complaint

In August 2023, complainant Sam Cook filed an ethics complaint with the Director's Office against respondent attorney Alison Abel, alleging Ms. Abel failed to return his calls and texts, thereby failing to protect her client (his mother Carol Cook) from alleged fraud by a third party.



# Example

## Findings of Fact

In September 2020 Carol Cook (Carol)<sup>1</sup> retained attorney Alison Abel to probate Ms. Cook's sister's estate in Minnesota. Carol was an interested party and proposed personal representative. Carol and her adult son, Sam Cook (Sam), were both residents of South Dakota and traveled to Minnesota to meet with Ms. Abel. Sam was with Carol at the initial meeting with Ms. Abel. At that meeting, Carol and Ms. Abel decided that Carol would be Ms. Abel's client. Ms. Abel told Sam that he was not her client, and asked him to wait in the lobby, which he did. Ms. Abel took notes of the meeting; those notes reflect that Ms. Abel's only client was Carol, and that Sam was not a client.



# Writing Your Report: Memorandum

- Go through each Rule or subpart
  - Numerical order
  - Violations first
  - Other logical order
- Paraphrase the Rule
- Set out the relevant facts from your investigation
- Conclude: is there clear and convincing evidence of a violation?



# Example

## **Rule 1.16(d), MRPC – Steps to Protect Client’s Interests Upon Withdrawal**

Rule 1.16(d), MRPC, requires a lawyer whose representation is terminated to “take steps to the extent reasonably practicable to protect a client’s interests” such as “giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fees or expenses that has not been earned or incurred.”

Mr. Cloud alleges Mr. Anderson did not return Mr. Cloud’s entire client file at the termination of representation. Mr. Anderson insists that he did. The evidence reflects that Mr. Anderson delivered Mr. Cloud’s entire client file, including all the original documents Mr. Anderson had received, to Mr. Cloud’s home on May 5, 2022. Although Mr. Cloud refused to sign the receipt Mr. Anderson had prepared, Mr. Anderson used



it to make contemporaneous notes indicating that he had delivered the file. Mr. Cloud did not raise any objection at the time that any documents were missing, and did not raise the issue again until his ethics complaint more than a year later. Mr. Anderson credibly stated that after the ethics complaint was filed he and his staff conducted a search for any additional documents that might belong to Mr. Cloud, but did not find anything. Even in his complaint to the Director Mr. Cloud has not identified or described any particular documents that he believes are missing, nor has he articulated a reason why Mr. Anderson might have retained such documents.

Although 20 days passed between Mr. Cloud's termination letter and Mr. Anderson's personal delivery of the file, that timeframe was reasonable given the circumstances. Mr. Anderson and his staff promptly made reasonable efforts to contact Mr. Cloud to arrange transfer of the file, but were stymied by Mr. Cloud's lack of a phone and his mother's unwillingness to communicate. Mr. Anderson's decision to personally drive to Mr. Cloud's home hoping to find him there and return the file—which both parties agree did in fact occur—is evidence of his willingness to take reasonably practicable steps to protect Mr. Cloud's interests. There is no clear and convincing evidence of any violation of Rule 1.16(d), MRPC.



# Discipline Recommendation

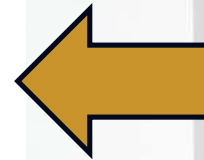
V. Recommendation pursuant to Rule 7(b), RLPR:

- Discipline not warranted (no violations)
- Private Admonition
- Public Discipline
- Ask the OLPR to further investigate:

*If you recommend further investigation, list each rule at issue and identify what more should be investigated.*



### Minnesota Process from Complaint to Determination



DEC is here

DNW or Private ADM

Public



# At 45 days

- You should have R response and C reply
  - If R not communicating, let us know
  - Other issues to investigate?
- Expect a 45-day check in from DEC Coordinator
  - How's it going – on track?
  - Any questions, roadblocks or needs?
  - [DECCoordinator@courts.state.mn.us](mailto:DECCoordinator@courts.state.mn.us)

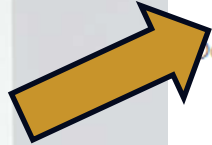


# 60-90 days

- Finish writing report
  - Save to computer and PDF
  - **File No. 12345 – RLname - CLname**
- Finish organizing file
- Schedule presentation
- Upload report and file to SharePoint
  - At least 48 hours before presenting
- Present report to DEC



Uploading a report?  
Click here  
on Reports



- Dec Report Review
  - Reports
  - Documents
  - Pending Investigations
  - Monthly Reports
  - Determinations
- 4th DEC Training Materials
- Committee Forum
  - DEC Discussion
  - Committee Documents
- Lists
  - Submit A Question
  - Calendar
- Recent
  - DEC Report Discussion
  - Announcements
  - Completed Investigation Files
  - Site contents

[DEC Home Page](#) > 4th DEC

## Announcements

[+ new announcement](#) or [edit this list](#)

Current View ...

✓	Title		Modified
	Please mentor a new committee member!	...	July 2
	Updated DEC Report Form	...	February 15
	4th DEC Liaison OLPR Atty. (eff. 10.1.2023)	...	December 14, 20

1 - 3 ▶

## Reports - Please use the following format to title your r

Type Name



[+ Add document](#)

Not here





# Reports

# Reports page opens: NOW click Add document

Dec Report Review

## Overdue Reports

Reports

Documents

Pending Investigations

Monthly Reports

Determinations

4th DEC Training Materials

Committee Forum

DEC Discussion

Committee Documents

Lists

Submit A Question

Calendar

Recent

DEC Report Discussion

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Completed Investigation Files

Site contents

## All Active Reports

Type



 Add document

Investigator Resp

Grossman, Kurtiss CG

Hackworthy, David PS

Harrin

Krupinski, Amy DG

Krupinski, Amy DG

YK	9/27/2024	9/20/2024 4:08 PM	<input type="checkbox"/> Brockmann, Jeffery	9/20/2024 4:07 PM	<input type="checkbox"/> Brockmann, Jeffery	10/2/2024
QN	9/12/2024	9/5/2024 9:02 PM	<input type="checkbox"/> Krupinski, Amy	9/5/2024 9:02 PM	<input type="checkbox"/> Krupinski, Amy	10/2/2024
QN	9/12/2024	9/5/2024 9:02 PM	<input type="checkbox"/> Krupinski, Amy	9/5/2024 9:01 PM	<input type="checkbox"/> Krupinski, Amy	10/2/2024



nt: Complainant  
EW  
JS  
LU  
YK  
YK

9/27/2024      9/20/2024 4:08 PM    Brockmann, Jeffery 9/20/2024 4:07 PM    Brockmann, Jeffery 10/2/2024

Screening Co  
10/2/2024  
d 10/2/2024  
10/2/2024  
ry 10/2/2024

### Add a document ✕

Choose a file  No file chosen

Add as a new version to existing files

Version Comments



Add a document ✕

Choose a file  File No 12345 - Ciano - Fuge.pdf

Add as a new version to existing files

Version Comments

Complainant

Screening Co

en 10/2/2024

David 10/2/2024

an 10/2/2024

tery 10/2/2024



Add a document



EDIT

Check In   
 Cancel   
 Paste   
 Cut   
 Copy   
 Delete Item

Commit      Clipboard      Actions

**i** The document was uploaded successfully and is checked out to you. Check that the fields below are correct and that all required fields are filled out. The file will not be accessible to other users until you check in.

Name \*  .pdf

Investigator \*   
Type your username without the dmz\ and press ENTER key

Respondent \*   
Respondent Initials Only

Complainant \*   
Complainant Initials Only

Screening Committee (presentation) Date    
Choose the date you plan to present your report. Screening meetings are scheduled for every other Wednesday. Please see meeting schedule for dates.

Complete   
Voting has been completed and investigation is no longer active

Version: 1.0  
 Created at 9/26/2024 12:43 PM by  Ciano, Karin          
 Last modified at 9/26/2024 12:43 PM by  Ciano, Karin

Cont  
EW  
JS  
LU  
YK  
YK  
QN  
QN

reening Com  
/2/2024  
/2/2024  
/2/2024  
/2/2024  
/2/2024  
/2/2024  
/2/2024

9/12/2024    9/5/2024 9:02 PM     Krupinski, Amy    9/5/2024 9:01 PM     Krupinski, Amy    10/2/2024



## All Active Reports

Type	Name	<input type="checkbox"/> Investigator	Respondent	Complainant	Comment Deadline	
	<a href="#">File No 12345 - Ciano - Fuge</a> 	<input type="checkbox"/> Ciano, Karin	KC	KF	10/3/2024	9



# RETURNING YOUR FILE



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# Organizing Your File

- Have a system
  - Logical, chronological
- When in doubt, PDF
  - Including emails
  - Keep emails with their attachments
  - Convert Word or Excel docs to PDF
  - Scan paper notes



# Examples

## Logical (by significance)

- DEC Report
- NOI and Complaint
- R response
  - Materials from R
- C reply
  - Materials from C
- Communications
- Notes of interviews
- Research & analysis

## Chronological (by date)

- Timeline
  - 2022 0322 R fee agreement
  - 2022 0415 C email to R
  - 2022 0416 R email to C
  - 2022 0501 R cert of rep
- Communications
  - 2024 0926 email A to R granting more time to respond
  - 2024 1005 R response



# Create a Zip Folder

- Locate your investigation folder
- Right click on investigation folder
- Select “Send to”
- Click “Compressed (zipped) folder”
- Name folder
  - File No 12345 Ciano Investigation
- Save folder



# Uploading Your File to SharePoint

- Dec Report Review
  - Reports
- Documents
  - Pending Investigations
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  - Completed Investigation Files
- Site contents



Upload DEC Reports Here

Upload file at same time as DEC Report or within 1 week



Upload Completed Investigation Files Here





+ New ▾ ↑ Upload ▾ ↻ Sync  Export to Excel ...

## Completed Investigation Files

 Name ▾	Modified ▾	Modified By ▾	+ Add column
 Demo Investigation File	June 27	Ciano, Karin	

Choose “upload file,” select your zipped folder, and click “open”



# We can't do it without you!

- DEC File must be uploaded so OLPR Lawyer can review & move case forward
  - R response
  - C reply
  - Notes of interviews
  - Important documents



# Closing

Feedback—how can the OLPR support you  
in your investigations?

Questions?

