



HELLO, GOODBYE: CHANGES AT THE LAWYERS BOARD

BY EDWARD J. CLEARY

The Lawyers Professional Responsibility Board is composed of 13 lawyers (six of whom may be nominated by the Minnesota State Bar Association), nine non-lawyers, and a chairperson. While the chairperson may serve "not more than six years" and serves at the pleasure of the Court, all other members serve up to two three-year terms, provided, however, that shorter terms shall be used "where necessary to assure that as nearly may be one-third of all terms expire each February 1." The hope then is to have the terms of seven or eight members expiring annually, resulting in three or four new members in addition to the reappointed members. Occasionally, due to resignations, vacancies occur on the Board in larger numbers. This year, eight new members were added to the Lawyers Professional Responsibility Board. To prevent turnover this large in the future, the terms of several of these new Board members will be staggered.

Board members serve the legal profession in a number of ways. Individually, members review complainant appeals. Depending on the file involved, this can be extremely time-consuming. Members have a number of options in disposing of these appeals, including directing further investigation by our office and, under some circumstances, instructing our office to seek public discipline.¹

In addition, Board members serve on three-person panels to hear various matters, including admonition appeals, requests by our office for a finding of probable cause for public discipline, and reinstatement requests. The panels consist of not fewer than three Board members, at least one of whom is a nonlawyer.² Panels, like individual Board members reviewing complainant appeals, have a number of options in disposing of the matters before them.³ Finally, the Board has three standing committees: Executive, Rules, and Opinions. The Executive Committee consists of the chair of the Board, two lawyers, and two non-lawyers. This committee is made up of veteran Board members and is responsible for the general supervision of the Office. It also acts on behalf of the Board between Board meetings.⁴ The Rules Committee and the Opinion Committee each have four members, three lawyers and a non-lawyer. These committees make recom-

mendations to the full Board regarding possible amendments to the Minnesota Rules of Professional Conduct and Rules on Lawyers Professional Responsibility and regarding the issuance of opinions on questions of professional conduct.

This year we are saying goodbye to seven members, each of whom served on the Board for six years: JOHN BRIAN, an attorney from St. Paul; JIM HILL, a public member from Brainerd; KIRK KLECKNER, a public member from Minneapolis; BILL KRONSCHNABEL, an attorney from St. Paul; SHARON REICH, an attorney from Minneapolis; JOEL THEISEN, an attorney from Burnsville; and TOM FEINBERG, an attorney from Minneapolis. Also leaving after serving five years on the Board, is a public member from Minneapolis, SYDNEY S. MARTINNEAU. All the departing members did a fine job and they will be missed.

We had a number of highly qualified applicants for the open positions this year and we are fortunate that the eight new members have the background, experience and willingness to serve on the Board.

The following is a list of current members of the Lawyers Professional Responsibility Board, including recent appointments:

■ CHARLES E. LUNDBERG, was appointed chair of the Board effective February 1, 1998. He previously served on the Board for six years and prior to that served on the 4th District Ethics Committee. He is a partner in the Minneapolis firm of Bassford, Lockhart, Truesdell & Briggs P.A.

■ JOHN C. LERVICK has been vice chair of the Board for the past two years and has been a Board member for the past five years. He previously served on the 7th District Ethics Committee as a member and as chair. He is a partner in the Alexandria law firm of Swenson, Lervick, Syverson & Anderson, Ltd.

■ KATHLEEN CLARKE ANDERSON is a newly appointed public member from Minneapolis. Prior to her recent appointment she worked with the Hennepin County Bar Association Fee Arbitration Board and was a member of the 4th District Ethics Committee for over eight years.

■ LARRY M. ANDERSON is also a newly appointed public member from Minneapolis. Prior to his appointment, he

was a member of the 4th District Ethics Committee for four years. He currently works as an administrator for Hennepin County District Court.

■ ANN M. BAILLY has been a public member on the Board for the past five years. Earlier she served on the 4th District Ethics Committee for 11 years. She is retired from her previous position in academic administration at the University of Minnesota.

■ CHARLES B. BATEMAN has been an attorney member for the past two years. Previous to that he served on the 11th District Ethics Committee for 11 years, including five years as chair. He is a partner in the Duluth law firm of Halverson, Watters, Downs, Reyelts & Bateman.

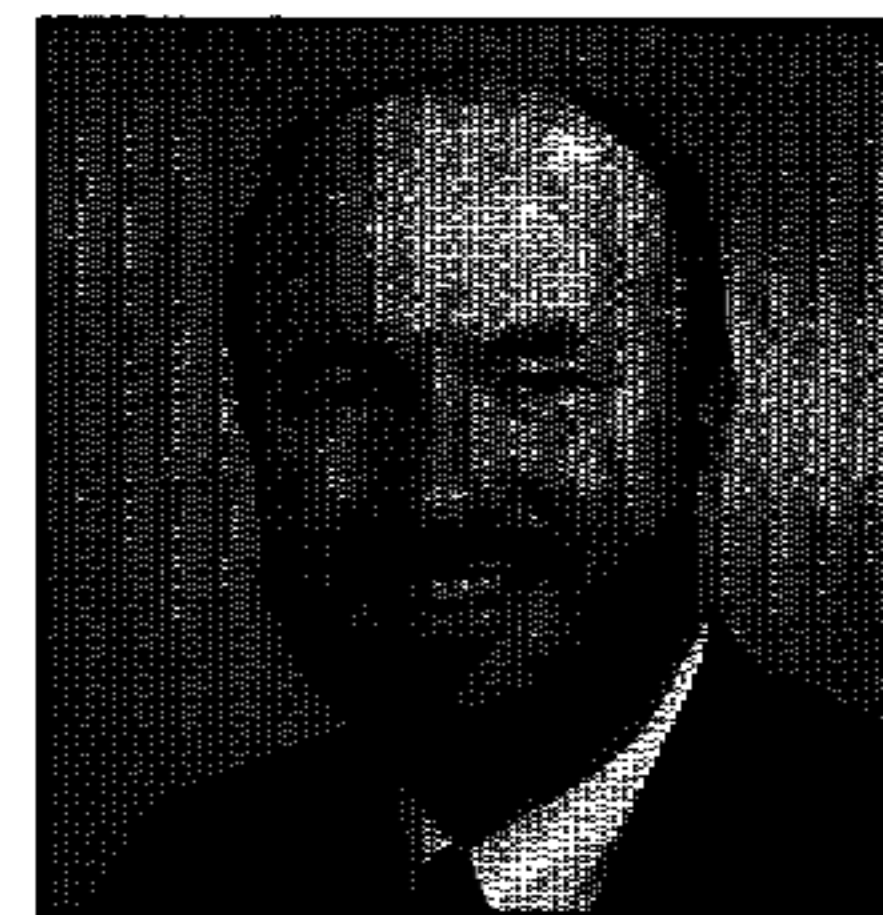
■ KENNETH E. BROIN has been a public member for the past two years. Previous to that he served on the 4th District Ethics Committee for 12 years. He is from Robbinsdale and is retired from his position with US Bank.

■ REGINA M. CHU has been an attorney member for the past three years and was recently appointed to a second three-year term. She served on the 4th District Ethics Committee for three years and is a partner in the Minneapolis law firm of Regina M. Chu, P.A.

■ WOOD R. FOSTER, JR. is a newly appointed attorney member. In addition to having been a member of the 4th District Ethics Committee, he is also a past president of the Minnesota State Bar Association. He is a partner in the Minneapolis law firm of Siegel, Brill, Greupner, Duffy & Foster.

■ TIMOTHY J. GEPHART has been a public Board member for the past two years. He served on the 4th District Ethics Committee for seven years and currently works in the

EDWARD J. CLEARY is director of the Office of Lawyers' Professional Responsibility. He has practiced both privately



and as a public defender for 20 years and is past president of the Ramsey County Bar Association. His book, Beyond the Burning Cross, won a national award in 1996.

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area of legal malpractice claims for Minnesota Lawyers Mutual in Minneapolis.

■ CHRISTOPHER J. LAKE-SMITH has been a public member for three years and was recently reappointed for a second three-year term. He served previously on the 2nd District Ethics Committee. He is from St. Paul and is the director of information services for Camp Snoopy at the Mall of America.

■ THOMAS J. LAVELLE has been an attorney member for the past two years. Previous to that he served as chair of the 13th District Ethics Committee for five years. He practices law in Worthington.

■ PATRICK J. MCGUIGAN is a newly appointed attorney from St. Paul. He served nine years on the 2nd District Ethics Committee, including six years as chair of that committee. He is a partner in the St. Paul law firm of McGuigan & Holly.

■ KATIE MCWATT is a newly appointed public member from St. Paul who is finishing the term of Sydney S. Martinneau who recently resigned from the Board after serving five years. Katie served on the 2nd District Ethics Committee. She recently retired from her position as coordinator of St. Paul Central's Minority Education program.

■ NEIL M. MEYER is a newly appointed attorney member from Minneapolis. He served for a number of years on the 4th District Ethics Committee, including as vice chair. He was the 1999 Lawyers Professional Responsibility Board Volunteer of the Year. He is a partner in the Minneapolis law firm of Meyer & Njus.

■ MICHAEL E. MICKELSON has been a public member for four years. He served on the 12th District Ethics Committee for ten years. He is president and CEO of the Willmar Cookie and Nut Company.

■ PATTY MURTO is a public member from Duluth and has served on the Board for the past two years. She developed and implemented a volunteer attorney program in northeast Minnesota.

■ TIMOTHY M. O'BRIEN has been an attorney member for the past four years. Prior to that he served on the 4th District Ethics Committee. He is a partner in the Minneapolis law firm of Faegre & Benson.

■ STEVEN J. OLSON of Osakis has been an attorney member for the past five years. He is retired as the general counsel for Ceridian Corporation.

■ MARY ALICE C. RICHARDSON has been an attorney member for the past five years (including filling out an unexpired term) and was recently reappointed to an additional three-year term. She served both on the 3rd District Ethics Committee for

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six years and as a volunteer probation supervisor. She practices law in Rochester.

■ JUDITH M. RUSH is a newly appointed attorney member from Roseville, where she practices law. She was a member of the 2nd District Ethics Committee for six years.

■ CINDY K. TELSTAD is a newly appointed attorney member from Winona. She was a member of the 3rd District Ethics Committee for the past six years and chair of that committee for the past two years. She is a partner in the law firm of Streater & Murphy in Winona.

■ E. GEORGE WIDSETH has been an attorney member on the Board for the past four years. He serves as a prosecutor in the Hennepin County Attorney's Office in Minneapolis.

For those of you who occasionally inquire, the address of the Director's Office is: Office of Lawyers Professional Responsibility, 25 Constitution Avenue, Suite 105, St. Paul, MN 55155. Our telephone numbers are (651) 296-3952 and 1-800-657-3601. Our fax numbers are (651) 297-5801 and (651) 205-4200. Please call

us if you need to use our advisory opinion service or simply have a question. □

NOTES

1. 8(e), RLPR.

The reviewing Board member may:

(1) approve the Director's disposition; or

(2) direct that further investigation be undertaken; or

(3) if a district ethics committee recommended discipline, but the Director determined that discipline is not warranted, the Board member may instruct the Director to issue an admonition; or

(4) in any case that has been investigated, if the Board member concludes that public discipline is warranted, the Board member may instruct the Director to issue charges of unprofessional conduct for submission to a Panel other than the Board member's own.

2. 4(e) RLPR.

3. 9(j), RLPR.

After the hearing the Panel shall:

(1) If the hearing was held on charges of unprofessional conduct

(i) determine that there is not probable cause to believe that public discipline is warranted; or

(ii) if it finds probable cause to believe that public discipline is warranted, instruct the Director to file in this Court a petition for disciplinary action. The Panel shall not make a recommendation as to the matter's ultimate disposition; or

(iii) if it concludes that the attorney engaged in conduct that was unprofessional but of an isolated and non-serious nature, the Panel shall state the facts and conclusions constituting unprofessional conduct and issue an admonition.

(2) If the hearing was on a lawyer's appeal of an admonition issued under Rule 8(d)(2), the Panel shall affirm or reverse the admonition, or, if there is probable cause to believe that public discipline is warranted, instruct the Director to file a petition for disciplinary action in this Court.

4. 4(d), RLPR.

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