

CYBERETHICS

By

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People often conceive of government offices as Stone Age bureaucracies, hopelessly mired in carbon paper, rotary telephones, and mimeograph machines. The Office of Lawyers Professional Responsibility long ago shed these primitive implements and has taken advantage of several cutting-edge technologies to serve both the bar and the greater public better.

Web Page. Since early 1996, the Director's Office has maintained a Web site, which can be accessed most easily through the Minnesota Supreme Court's home page at *www.courts.state.mn.us*. In addition to complete copies of the Minnesota Rules of Professional Conduct, the Lawyers Professional Responsibility Board Opinions 1 through 18, and the Rules on Lawyers Professional Responsibility, users can access complaint forms, statistics about the discipline process, and information about professional corporations.

To expand the public's access to information about lawyers, this past spring the director began posting a list of disbarred and currently suspended attorneys. The director hopes that suspended lawyers, knowing this information has been published over the Internet, will be further discouraged from engaging in unauthorized practice. We also hope that by posting this information we may be able to reduce the amount of staff time devoted to checks on attorneys' disciplinary records. The list includes only attorneys suspended or disbarred since 1985 who have not been reinstated to the practice of law. Information on the list includes the date and length of the suspension and a citation to the Northwestern Reporter where available.

The list presently does not include attorneys who have been suspended for nonpayment of their attorney registration fee or who have been placed on restricted status by the Supreme Court for failing to comply with continuing legal education requirements. This information, in addition to information about attorneys who have received other forms of public discipline, such as public reprimands or suspensions followed by reinstatement, is available by contacting the Director's Office directly by telephone or letter. Depending on the use by the public, the director may expand the Web site listing to include a more comprehensive database of public discipline in the future.^{Ftn 1}

Trust Account Presentations. For several years, First Assistant Director Ken Jorgensen has been using a laptop computer owned by the office at seminars to demonstrate how attorneys can easily maintain their trust account books and records by using Quicken software. Using PowerPoint software and computer projection equipment, Ken has shown hundreds of attorneys how to maintain their checkbook registers,

subsidiary ledgers, and bank reconciliations on their computers. Through an agreement with the Intuit Corporation, the office has also published a booklet explaining how to maintain trust account records on Quicken. The booklet includes reproductions of the actual Quicken 5.0 computer screens to provide a virtually foolproof guide to maintaining trust account records. Copies of the booklet are available to Minnesota attorneys on request from the Director's Office.

New Discipline Tracking System. For many years, the Director's Office used several different databases to keep track of disciplinary records, attorneys' registration fee and CLE records, and complaint processing. Gathering information on the old system was cumbersome and time consuming. About one year ago the Director's Office implemented a new software package designed specifically for our discipline system. Our new computer system increases staff efficiency, designates disciplinary information as private or public, and provides a clearer record of attorneys with multiple disciplinary problems over a given period of time. Of course, the system also accommodates the expungement of dismissed complaints three years from the date they were originally received. To the dismay of some, there will be no "Year 2000 Problem" at the Director's Office.

Client Security Board. Within a few months, consultants will complete a new software design for the Client Security Board (CSB). In addition to increasing the CSB's ability to process claims, the project will include a comprehensive database of claims previously paid. Within the next year, CSB hopes to publish information on its Web page regarding the number and amount of claims paid against attorneys.

Advisory Opinions. One of the advantages of a software system designed particularly for one office is the ability to envision and plan for expansions of that system. As many attorneys know, each year the Director's Office issues about 1,500 telephone advisory opinions to Minnesota attorneys concerning prospective ethical dilemmas. The office currently maintains paper records of these opinions but does not have a method for comparing and contrasting various opinions regarding the same rule but based on slightly different fact patterns. Ken Jorgensen is currently working to develop enhancements to our disciplinary software to track the advisory opinions by rule and subject matter. A compendium of legal resources - including references to previous *Bench & Bar* articles, summaries of significant ABA formal opinions, and frequently cited treatises - will be developed to interface with the advisory opinion software. This system has the potential to serve our bar much better by increasing our ability to trace advisory opinions, to summarize the ethical questions most frequently asked by attorneys, and to provide greater consistency in the opinions given.

Interactive Video. There are currently over 150 interactive video sites around the state of Minnesota, both in and out of the court system. Several district courts in greater Minnesota currently use interactive video to conduct hearings in matters where the travel time would be extensive or inclement weather threatens holding the hearing in a timely manner. The Minnesota Judicial Center is currently exploring the purchase of the equipment necessary to incorporate this technology for the Court of Appeals and other agencies of the Supreme Court.

Because judges from greater Minnesota are often appointed by the Supreme Court to sit as referees in disciplinary hearings, and because many of our state's attorneys also live in those areas, the Director's Office is eager to explore this new technology. Conceivably, witnesses whose testimony may be limited in scope could testify from a remote location. This has been accomplished on occasion by telephone testimony, but video would enhance the referee's ability to assess the witness's credibility. Conversely, if a referee were forced to return to his or her home district before the record closed in a disciplinary matter, the remaining

evidence or argument could be presented at the Judicial Center while the referee presided from his or her own courtroom via video.

Of course, technology has its limits. As far as we know, no one has invented a computer chip that will stop attorneys from neglecting cases or failing to return calls from clients. But by getting rid of the carbon paper, the Director's Office will provide sophisticated services to increasing numbers of Minnesota attorneys and efficiently protect the public interest.

notes

1 Private discipline, such as admonitions and private probations, and dismissals remain confidential pursuant to Rule 20, Rules on Lawyers Professional Responsibility.