

OPPORTUNITY (AND OBLIGATION) KNOCKS

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Lawyers Professional Responsibility Board

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*I believe that every right implies a responsibility; every opportunity,
an obligation; every possession, a duty.*

—John D. Rockefeller

As I near the end of the second year of my term as a volunteer in Minnesota's lawyer discipline system, I appreciate what a great privilege it has been to work alongside so many great volunteers over the years. It should come as no surprise that lawyers volunteer in the discipline system—we are, after all, members of a profession that says “yes” more than we say “no” to opportunities to serve. We need not look very far to see lawyers volunteering their legal services to indigent clients and accepting leadership and other roles in our local and state bar associations, our neighborhoods and our faith communities. As members of a profession keenly sensitive to the value and the limits of time, we are gracious in giving our time.

Blessed are those who serve without recognition, title, or compensation merely for the benefit that flows to our fellow human beings and our profession.

A Service Profession

And serve they do. Our Lawyers Professional Responsibility Board (LPRB) members take time from their jobs and lives to review appeals of summary dismissals and admonition decisions, hear reinstatement cases and make probable cause determinations, and provide oversight of the discipline system in Board meetings and as members of the Board's Rules and Opinion committees, Executive Committee, and other committees. Our District Ethic Committee (DEC) volunteers around the state devote their time to review and investigate complaints against lawyers and meet, discuss, and recommend appropriate discipline. Our disciplinary system could not function without the excellent work of these volunteers.

Some lawyers serve out of a sense of obligation. As members of the legal profession, we have a “special responsibility for the quality of justice” and are called upon to “help the bar regulate itself in the public interest.”[Ftn 1](#) We have an obligation not only to observe the Rules of Professional Conduct ourselves, but to ensure that fellow members of the bar observe them.[Ftn 2](#) To do otherwise compromises our responsibility to the public as well as our independence as a profession that ensures government under law.[Ftn 3](#)

Some lawyers serve for the unparalleled opportunity to learn about the rules that govern our profession, how our disciplinary system works, and how to be better lawyers themselves. Others serve because of their interest in playing an active role in the profession, staying connected with their colleagues, or expanding their network. Whether they view such service as an opportunity or an obligation, lawyers play a crucial role in the discipline system to hold lawyers who violate the rules accountable.

Public Participation

But it isn't just lawyers. Nine of the 23 LPRB members and 30 percent of the 302 DEC members are not lawyers.[Ftn 4](#) They come from a variety of walks of life and backgrounds. Some work in law enforcement, or the finance or insurance industry; some are bankers, paralegals, or school teachers. They have no obligation to our profession and receive no benefit from being educated about the rules governing lawyers. They serve as members of the public, to be the voice of the public, make sure the public interest is served, and contribute their unique perspective to the process.

The Volunteer Track

Most volunteers begin their service as a DEC member.[Ftn 5](#) They volunteer because they are asked and are happy to become involved with their local bar association doing this important work. The DECs conduct preliminary investigations of the majority of ethics complaints brought against lawyers each year, operating under timelines established by the Minnesota Supreme Court.[Ftn 6](#) The 21 DECs[Ftn 7](#) around the state vary in size, depending on the volume of complaints and the characteristics of the district. Each has its own personality and processes. Our largest DEC is the 4th DEC, which has 110 investigators, and the smallest is the 14th DEC, which has four investigators. Each DEC is chaired by a local attorney appointed by the related district bar association, and each takes its own approach in considering an investigator's report and recommending discipline. Some DECs meet in person, some electronically, and one has a hearings process. The LPRB is committed to ensure that each DEC has the support it needs to attract and train lay and lawyer volunteers and the Board is

currently determining how best it can support the DEC's in recruiting and training volunteers and processing complaints.

However, as members of this self-regulating profession, we all share the obligation to maintain a strong volunteer component to the discipline system. We need to take this opportunity and get involved. Contact your local DEC chair.^{Ftn 8} Volunteer as an investigator. And encourage a nonlawyer in your local community to do the same.

Notes

1 Minnesota Rules of Professional Conduct, Preamble [1][6].

2 *Id.* at [12].

3 *Id.*

4 By rule, nine LPRB members and 20 percent of DEC members must be nonlawyers. Minnesota Rules on Lawyers Professional Responsibility, Rule 3(a), 4(a).

5 While prior DEC service is not a requirement for appointment to the LPRB, few Board members are appointed who have not served on their local DEC.

6 *See* 2011 Annual Report of the LPRB and the Office of Lawyers Professional Responsibility at 24-25, available at

<http://lprb.mncourts.gov/AboutUs/Documents/2011%20Annual%20Report.pdf>.

7 The 21 DEC's are organized around Minnesota's 21 bar districts. A map of the bar districts and contact information for the DEC chairs is located on the MSBA's website at: <http://www2.mnbar.org/governance/districtbars/index.htm>.

8 Visit <http://www2.mnbar.org/governance/districtbars/index.htm> for DEC contact information.