

**ANNUAL REPORT OF THE
LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

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OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY**

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I. INTRODUCTION AND HIGHLIGHTS.

Pursuant to Rules 4(c) and 5(b), Rules on Lawyers Professional Responsibility (RLPR), the Lawyers Professional Responsibility Board and the Director of the Office of Lawyers Professional Responsibility report annually on the operation of the professional responsibility system in Minnesota. These reports are made for the period from July 2010 to June 2011, which represents the Board's and Office's fiscal year. The majority of the statistical information, however, is based upon calendar year 2010.

Changes to the Board.

Terms of Lawyers Board members are staggered such that every year there is some turnover in members. Board members are eligible to serve two 3-year terms (plus any shorter term if applicable). The second terms of four members of the Lawyers Board ended this past January 2011: Joseph Ferguson, Ann Maas, Jan Zender and Debbie Toberman. Mr. Ferguson most recently was the Board Vice-Chair; Ms. Maas also was a member of the Executive Committee; Ms. Zender served as a Panel Chair. Named to replace these departing members were new attorney members Stacy Vinberg of Granite Falls and Todd Wind of Minneapolis, both of whom are former District Ethics Committee Chairs, and new public members Mark Daniels of Apple Valley and Nancy Helmich of Minneapolis.

The Board has a five-member Executive Committee, charged with oversight of the Director's Office. The departures of two members of the Executive Committee were filled when Board Chair Judith Rush appointed Michael Unger to remain on the Executive Committee as Vice-Chair (which was approved by the Board) and named Christopher Cain and Marne Gibbs Hicke as new members. Ms. Rush completed her first year as Chair and exhibited leadership through initiatives to promote greater consistency in Board decisions.

The Board members who act as Panel Chairs for probable cause determinations are now: Robert Bauer, Nancy Berg, William Donohue, Sheridan Hawley, Richard Kyle and Stuart Williams. All are experienced Board members. Mr. Williams continues to chair the Board's Opinion Committee; Mr. Donohue remains as chair of the Board's Rules Committee. A complete listing with short biographical information of all Board members is attached at A. 1 – A. 2.

Complaint Statistics.

The number of complaints received in 2010 was 1365, a 13 percent increase from the previous year's total of 1206. This large increase strained resources to some extent and increased the total number of open files and year-old files. Tables outlining these and related statistics are at A. 3 – A. 7.

Complaint totals for the first five months of 2011 project to a year-end total of just over 1308, a slight decrease from 2010, but still above the level for most recent years. Nevertheless, files closings have also been maintained at a high level, which should allow open file levels at least to return to levels below 600. Also, the Director's Office recently has been able to eliminate the "moratorium" on attorneys in the Office speaking at Continuing Legal Education seminars and on writing articles for *Minnesota Lawyer*. (See A. 8 – A. 9 for a list of Office speaking engagements for the past fiscal year.)

The Board's Executive Committee, in addition to monitoring overall file numbers, receives information on case management time guidelines, which the Executive Committee established at the recommendation of the 2008 Supreme Court Advisory Committee on the Lawyer Discipline System. The Office targets that 75 percent of all cases will meet certain time expectations for each step in the investigation process. The Executive Committee continues to monitor the number of open files and year-old files closely, and works to assist the Director's Office with methods of

maintaining productivity. Increases in the number of complaints, and often in the complexity of those complaints, can make quick resolution of matters difficult.

Lawyers Board Seminar.

On September 24, 2010, the Board and Director's Office hosted its annual professional responsibility seminar at the Ramada Plaza Minneapolis. Presentations included a session by Board Chair Judith Rush and Ted Collins (as a board member for Lawyers Concerned for Lawyers (LCL)) on dependency, mental health and their role in mitigation of misconduct; a presentation by former Sixth District Ethics Committee Chair Will Partridge on the ethics of witness preparation, which featured several video vignettes from well-known movies and television programs; Board member and Opinion Committee Chair Stuart Williams on metadata and Board Opinion No. 22; and Director Martin Cole on current developments of cases and rules. In addition, there were break-out sessions on district ethics committee investigations and probation.

The other highlight was the annual presentation by the Board's liaison Justice Alan Page of the annual Volunteer of the Year Award, this year awarded to Steven Peloquin, outgoing Chair of the Seventh District Ethics Committee.

II. PUBLIC DISCIPLINE DECISIONS.

Twenty-six attorneys were publicly disciplined in calendar year 2010, which was slightly below the average number for most recent years.¹ For example, thirty-eight attorneys were publicly disciplined in 2009. Seven attorneys were disbarred, which is the second highest number in recent years. Another thirteen attorneys have been publicly disciplined through May of this year, including two additional disbarments. Another eighteen public matters were pending as of June 1, 2011.

¹ Public disciplines include disbarments, suspensions, stayed suspensions, public reprimands and probations.

The attorneys who were disbarred in 2010 were:

Aaron Biber	Albert Garcia, Jr.
Michael Margulies	Lisa Jane Mayne
Juan J. Rodriguez	Thomas Rothstein
John St. Marie	

Criminal conduct (even if unrelated to the practice of law), misappropriation, fraud or other types of serious dishonesty are the most serious violations an attorney can commit, and the most likely to lead to disbarment. All of the disbarments identified above fit into these categories. The two additional lawyers disbarred so far in 2011 are Trent Jonas and Jay Swokowski, one involving a criminal conviction, the other misappropriation and a disciplinary history.

In addition to the disciplined lawyers, there were also eight attorneys reinstated to the practice of law in 2010, most following short suspensions. Two attorneys' petitions for reinstatement were denied. Four attorneys were transferred to disability inactive status.

III. DIRECTOR'S OFFICE.

A. Budget.

1. FY'11 and FY'12 Budgets.

Expenditures for the fiscal year ending June 30, 2011, are projected to be \$2,732,188. The FY'12 budget which begins July 1, 2011, and runs through June 30, 2012, projects anticipated expenditures of \$3,194,144. The Director's Office budget is funded primarily by lawyer registration fees, and therefore is not dependent upon legislative dollars, as is the judicial branch's overall budget. Nevertheless, due to the judiciary's continued budget situation, State Court Administration has directed that, for the third year,² the FY'12 payroll budget again include no salary increases for employees.

² As of the date of the preparation of this report, there remained the possibility of a state government partial shutdown due to the failure to establish a statewide budget plan. The Director's Office would not

Increases for health insurance have been budgeted. There is no need for a fee increase in the foreseeable future.

The FY'12 budget includes significant funds carried forward from FY'11 to rebuild the Attorney Disciplinary Record System (ADRS). Due to other projects including the OLPR Web site and the DEC Intranet, the ADRS project was postponed.

B. Personnel.

The Director's Office currently employs 11 attorneys including the Director, 5.5 paralegals, an office administrator, 8 support staff and one law clerk (*see* organizational chart at A. 10).

Law clerk Erica Nguyen was hired in October 2010. She graduated from William Mitchell Law School this spring and will study for the bar exam this summer. No other personnel changes occurred this year. The judicial branch remains under a hiring freeze, unless special circumstances can be established.

C. Web Site.

On July 1, 2010, the new OLPR Web Site went live. It now provides complainants the opportunity to file complaints online. Approximately 35 complaints per month have been filed online since its inception. The Lawyer Search function was also upgraded this year to provide better functionality. So far, comments have been very positive. Attached at A. 11 is the home page for the Web Site.

D. Complainant Appeals.

Under Rule 8(e), RLPR, a dissatisfied complainant has the right to appeal most dismissals and all private discipline dispositions. Complainant appeals are reviewed by a Board member, other than members of the Board's Executive Committee, selected in rotation. During 2010, the Director's Office received 234 complainant appeals,

be affected by any shutdown, although some services that require assistance from other agencies could be affected. An example might be tech support for the OLPR Web site.

compared to 236 such appeals in 2009. There were 235 complainant appeal determinations made by Board members in 2010 as follows:

		<u>%</u>
Approve Director's disposition	220	93.6
Direct further investigation	15	6.4
Instruct Director to issue an admonition	0	0
Instruct Director to issue charges	0	0

A total of 62 clerical hours were spent in 2010 processing and routing appeal files. Limited attorney time was expended in reviewing appeal letters and responding to some complainants who continued to correspond even after their appeals were decided.

E. Probation.

Attorney disciplinary probations remain an important function of the Office of Lawyers Professional Responsibility. The Office is responsible for administering two types of probations: public and private. While the administration of the probation is largely the same regardless of the type of probation, how the probation is initiated is much different depending on whether the probation is public or private.

Public probations are always imposed by order of the Minnesota Supreme Court. The Court may impose the probation as part of a stipulated discipline, or it may impose the probation as a condition of the lawyer being reinstated to the practice of law after a disciplinary suspension. Since, public discipline always involves more serious misconduct than private discipline, the misconduct giving rise to the public probation may involve such things as criminal conduct, dishonesty and conduct prejudicial to the administration of justice.

In 2010, there were 40 new probations. Of those, only 14 were public. While this represents an increase from 2009 in the total number of new probations (when there

were 29), it represents a decrease in the percentage of probations that were public (45% of new probations in 2009 were public versus 35% of new probations in 2010). Of those 14 public probations in 2010, seven were for attorneys reinstated to the practice of law.

Private probations are always the result of a stipulation between the Director and the attorney. The Rules on Lawyers Professional Responsibility permit the Director and a lawyer to enter into a private probation, subject to the approval of the Lawyers Board Chair. The Director will enter into a private probation when the Director concludes that the lawyer's conduct was unprofessional, but potentially too serious to justify an admonition (which is only appropriate for misconduct that is isolated and non-serious), but not serious enough to warrant public discipline. Also, the Director may determine that a private probation is appropriate where the cause of the misconduct is such that a probation is an effective way to reduce the likelihood that the misconduct will recur. For example, a situation where the lawyer is failing to diligently pursue client matters or effectively communicate with clients, and it appears that the misconduct is based upon the lawyer's poor office or file management. A probation requiring that the lawyer submit a written plan for office procedures may reduce the chances of the misconduct occurring again. Of the 40 new probations opened in 2010, 26 were private.

Regardless of whether the probation is public or private, in some instances, lawyers are not able to successfully comply with terms of their probations. If the non-compliance issues are serious enough the Director will seek to have the probation terminated. In other instances, where the lawyer is having problems with compliance but continues to work with the Director's Office, the probation may be extended. In 2010, the Director extended one probation and closed another early due to the probationer's death.

The type of attorney misconduct that leads to discipline and therefore to probation, often involves the attorney's failure to provide competent and diligent representation to clients, or failing to adequately communicate with them. Of the 82 probation files open

during some part of 2010, many involved a violation of the rules concerning competence, diligence or communication. The next most common form of misconduct giving rise to a probation is failure to follow the requirements regarding the handling of the lawyer's trust account. Chemical dependency and mental health concerns also contribute to attorney misconduct and accordingly, a number of the lawyers on probation have a history of such issues.

Whether public or private, probations always include requirements designed to address, to the extent possible, the underlying misconduct. The example given above concerned a requirement that the lawyer submit a written plan for office procedures. Since more than half of the probation files opened in 2010 involved underlying misconduct involving the attorney's failure to provide competent and diligent representation to clients, or failing to adequately communicate with clients, those probations included requirements that lawyers maintain case lists documenting the nature of the file, upcoming deadlines, communications with clients, and next anticipated action on the file.

Another element common to most probations is that there is another lawyer involved to help supervise compliance with the probation. Fifteen of the new probations in 2010 were supervised by volunteer lawyers who met with the probationers on a regular basis, reviewed the probationers' case lists, and offered suggestions on file management and law office procedures.

While many probations do, not every probation has a supervisor appointed to it. However, even in cases where there is not a supervisor, it does not mean that the case is "unsupervised." Even in probations with no supervisor, the Director's Office is involved in monitoring various aspects of the lawyer's probation. For example, of the 25 new probations without a supervisor, the lawyers in 14 of those probations were

required to submit their trust account books and records to the Director for audit. Two of the probationers were required to provide the Director with evidence of their continued treatment for mental health issues. Another probationer was required to provide proof of tax filing and payment.

In 2010, 19 of the new probations resulted, at least in part, from the lawyer improperly maintaining his or her trust account. Accordingly, whether those lawyers had supervisors or not, they were required to provide their trust account books and records to the Director for review. The Director's Office reviews the records for completeness, accuracy and compliance with the Rules. When deficiencies are noted, the Director's Office provides a detailed explanation of how to correct the problem. Over the course of the probation, most probationers acquire the skills necessary to maintain their trust account books in compliance with the Rules of Professional Conduct. If, over the course of the probation the probationer fails to bring his or her books and records into compliance with the Rules, the Director may seek an extension of probation or a revocation of the probation and further discipline.

In 2010, the Director opened eight new probations in which mental health or chemical dependency played a role in the underlying misconduct. In those probations, the lawyers were required to initiate or continue current treatment by a licensed psychologist or other mental health professional acceptable to the Director, complete all recommended therapy and provide the Director with authorizations to confirm compliance with treatment recommendations. The Director may also require attorneys to participate in support groups, such as those offered by Lawyers Concerned for Lawyers, or ask supervisors to monitor a probationer's mental status.

Chemical dependency issues may be addressed in a probation by requiring attendance at a twelve-step program or other abstinence-based program, such as Alcoholics Anonymous (AA) or Narcotics Anonymous. Frequently, therapy with a

mental health professional is required in addition to AA attendance. When appropriate, the Director may also require completion of a chemical dependency evaluation and the completion of all recommended treatment including in or out-patient treatment and aftercare or psychotherapy.

The terms of the probation may also require the probationer to participate in the Director's random urinalysis (UA) program. In those cases, the probationer is required to call the Director's Office three days a week to determine if UA testing is required. Probationers are obligated to appear for testing, at their own expense, up to six times per month. Depending on the specific terms of the stipulation or order the Director may decrease the number of tests per month or terminate the UA requirement if the probationer is fully compliant with the terms of the Director's UA program and all tests are negative.

In 2010, the Director opened two probations and closed another probation requiring UAs. Currently, there are a total of five probationers participating in the Director's random UA program. Another current probationer's participation in the Director's UA program is required if only he returns to the practice of law.

Of the probationers whose probations closed in 2010 (and accordingly for whom the Director has data on the nature of their practice while on probation), the majority were either in solo practice or were part of very small (*i.e.*, two to three person) firms. One probationer was the principal of a busy consumer bankruptcy firm. Another probationer was a county prosecutor. With the exception of four probationers who were in practice less than five years, the majority of the probationers had practiced from 15 to more than 40 years.

DISABILITY RELATED PROBATIONS

Psychological Disorders – existing files on 1/1/10	13	
New files opened during 2010	<u>6</u>	
Total Psychological Disorder Related Files		19
Chemical Dependency ³ – existing files on 1/1/10	6	
New files opened during 2010	<u>3</u>	
Total Chemical Dependency Related Files		<u>9</u>
Total Disability Related Probations		28

HISTORICAL BREAKDOWN OF DISABILITY PROBATIONS

YEAR	TOTAL PROBATION FILES OPENED	NUMBER OF MENTAL HEALTH & CHEM DEP PROBATIONS ⁴	PROBATION REQUIREMENTS:		
			THERAPY	AA/NA	RANDOM UAS
1993	26	3	0	3	1
1994	40	9	7	1	2
1995	40	7	5	1	1
1996	29	4	2	3	0
1997	29	5	3	0	2
1998	23	1	1	0	0
1999	40	5	5	0	0
2000	33	5	4	2	2
2001	32	7	6	2	2
2002	32	8	7	2	1
2003	27	10	8	3	2
2004	21	4	2	2	3
2005	20	7	6	2	2
2006	29	10	5	6	3
2007	31	8	7	0	1
2008	32	9	8	4	1
2009	29	4	4	0	1
2010	40	9	7	3	3

³ Probations involving AA attendance and/or Random UAs.

⁴ Since mental health and chemical dependency probations may require some combination of psychological therapy, AA attendance, or random urinalysis, the totals of those categories may be greater than the number of mental health and chemical dependency probations for any given year.

Probation Supervisors. During 2010, 17 Minnesota attorneys served as volunteer probation supervisors. Upon closing a probation, the Director asks supervisors to complete a survey regarding their practice of law, the probationer's law practice and their supervisory experience. Five probation supervisors (three solo practitioners and two small firm attorneys) responded to the Director's survey in 2010.

The supervisors volunteered between one half to three hours per month reviewing client inventories and client files, speaking with probationers either during in-person visits or over the phone, and reporting their observations quarterly to the Director. The primary focus of most probations was maintaining and documenting client communications, calendar and docket control systems, file organization, law office management skills and winding up and closing a law practice. It is not unusual for a supervisor's efforts to go beyond office management issues and focus on the probationer's overall compliance with the requirements of probation or mental health issues and compliance with treatment. One supervisor monitored the probationer's progress on files through information posted at the State Court's Web site.

Most of the supervisors surveyed in 2010 were pleased with the probation system, would likely serve again and would consider recommending service as a probation supervisor to a friend. One supervisor declined to serve again citing the time commitment. Most supervisors found their probationers to be cooperative and responsive to their suggestions. One supervisor expressed frustration with the probationer's failure, after a period of initial cooperation, to provide monthly client inventories and respond to inquiries as the probationer closed his practice and "moved into the retirement mode."

All of the supervisors surveyed were pleased with the support received from the Director's Office. One supervisor found the Director's continuing legal education seminar a good source of very helpful information. Another stated the Director's Office "provided good guidelines and very clear expectations of both the probationer and the probation supervisor." None of the surveyed supervisors suggested any improvements to the probation system.

PROBATION STATISTICS

TOTAL PROBATION FILES OPEN DURING 2010

Public Supervised Probation Files (21%)	17	
Public Unsupervised Probation Files (18%)	<u>15</u>	
Total Public Probation Files (39%)		32
Private Supervised Probation Files (24%)	20	
Private Unsupervised Probation Files (37%)	<u>30</u>	
Total Private Probation Files (61%)		<u>50</u>
Total Probation Files Open During 2010		82

TOTAL PROBATION FILES

Total probation files as of 1/1/10	67
Probation files opened during 2010	40
Public probation extended during 2010	-0-
Probation files closed during 2010	<u>(31)</u>
Total Open Probation files as of 12/31/10	76

PROBATIONS OPENED IN 2010

Public Probation Files

Court-ordered Probation Files	
Supervised	5
Unsupervised	<u>2</u>

7

Probation Statistics (Cont'd.)

Reinstatements		
Supervised	3	
Unsupervised	<u>4</u>	<u>7</u>
Total Public Probation Files		14

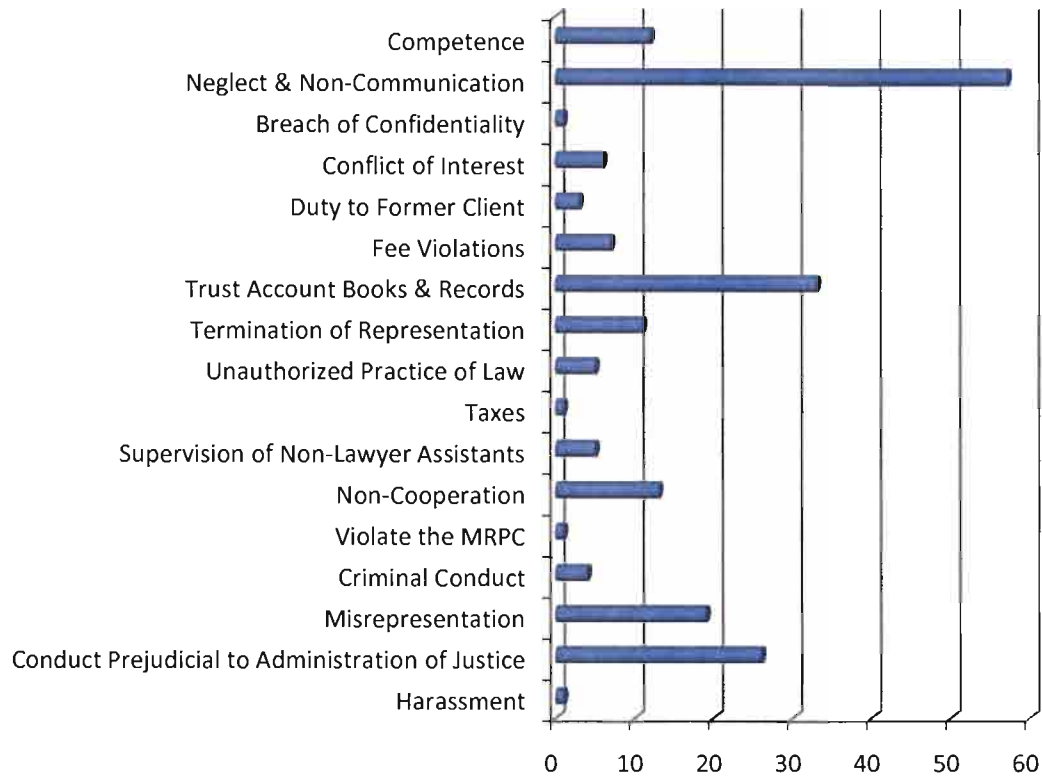
Private Probation Files		
Supervised	7	
Unsupervised	<u>19</u>	<u>26</u>
Total Private Probation Files		26
Total New Probation Files in 2010		40

PROBATIONS OPENED IN 2010 INVOLVING:		
Client Related Violations		11
Non-Client Related Violations		19
Both Client & Non-Client Violations		<u>10</u>
Total New Probation Files in 2010		40

PROBATION FILES CLOSED IN 2010		
Probations Successfully Completed		30
Probation Revocations		-0-
Probations Extensions		<u>1</u>
Total Probation Files Closed in 2010		31

AREAS OF MISCONDUCT

As reflected in 82 open probations during 2010⁵



Competence (Violation of Rules 1.1 and 1.2, MRPC)	12
Neglect & Non-Communication (Violation of Rules 1.3 and 1.4, MRPC)	57
Breach of Confidentiality (Violation of Rule 1.6, MRPC)	1
Conflict of Interest (Violation of Rules 1.7 and 1.8, MRPC)	6
Duty to Former Client (Violation of Rules 1.9 and 1.11, MRPC)	3
Fee Violations (Violation of Rule 1.5, MRPC)	7
Trust Account Books and Records (Violation of Rule 1.15, MRPC)	33
Termination of Representation (Violation of Rule 1.16)	11
Unauthorized Practice of Law (Violation of Rule 5.5, MRPC)	5
Taxes	1
Supervision on Non-Lawyer Assistants. (Violation of Rule 5.3, MRPC)	5
Non-Cooperation (Violation of Rule 8.1, MRPC)	13
Violate the MRPC (Violation of Rule 8.4(a), MRPC)	1
Criminal Conduct (Violation of Rule 8.4(b), MRPC)	4
Misrepresentation (Violation of Rule 8.4(c), MRPC)	19
Conduct Prejudicial to the Administration of Justice (Violation of Rule 8.4(d), MRPC)	26
Harassment (Violation of Rule 8.4(g), MRPC)	1

⁵ A file may involve more than one area of misconduct.

Probation Department. During 2010 Senior Assistant Director Craig Klausing and Assistant Director Robin Crabb, with the assistance of two paralegals, monitored all probations.

TIME BY PROBATION DEPT. STAFF (hrs./wk.)	
Attorney 1	12
Attorney 2	8
Paralegal 1	8
Paralegal 2	<u>8</u>
TOTAL PROBATION STAFF TIME PER WEEK	36

F. Advisory Opinions.

The number of advisory opinions requested by Minnesota lawyers and judges decreased slightly in 2010. In 2010 the Director's Office received 2,258 requests for advisory opinions, compared to 2,282 in 2009. This represents a 1 percent decrease over last year. *See A. 12.*

Attorneys submitted 279 advisory opinion requests via the email link on the OLPR Web site in 2010, compared to 262 requests received in 2009. This represents a 6 percent increase over last year. Like telephone advisory requests, inquiries from the Web site are responded to by telephone.

In addition to the Web link, advisory opinions are available to all licensed Minnesota lawyers and judges and are obtained by calling the Director's Office. Advisory opinions are limited to prospective conduct. Questions or inquiries relating to past conduct, third-party conduct (*i.e.* conduct of another lawyer), questions of substantive law or advertising and solicitation are not answered. Advisory opinions are the personal opinion of the staff lawyer issuing the opinion and are not binding upon the Lawyers Board or the Supreme Court. Nevertheless, if the facts provided by the lawyer requesting the opinion are accurate and complete, compliance with the opinion would likely constitute evidence of a good faith attempt to comply with the professional regulations. As a part of most Continuing Legal Education presentations

by members of the Director's Office, attorneys are reminded of the advisory opinion service and encouraged to make use of it.

Set forth below is a statistical summary of advisory opinions for the period 1990 through 2010:

YEAR	OPINIONS GIVEN BY TELEPHONE	OPINIONS GIVEN IN WRITING	TOTAL OPINIONS GIVEN	OPINIONS DECLINED	TOTAL
1990	1130 (83%)	26 (2%)	1156 (85%)	199 (15%)	1355
1991	1083 (84%)	23 (2%)	1106 (86%)	186 (14%)	1292
1992	1201 (86%)	15 (1%)	1216 (87%)	182 (13%)	1398
1993	1410 (87%)	16 (1%)	1426 (88%)	201 (12%)	1627
1994	1489 (84%)	10 (1%)	1499 (85%)	266 (15%)	1765
1995	1567 (87%)	22 (1%)	1589 (88%)	206 (12%)	1795
1996	1568 (88%)	16 (1%)	1584 (89%)	199 (11%)	1783
1997	1577 (90%)	15 (1%)	1592 (91%)	165 (9%)	1757
1998	1478 (91%)	23 (1%)	1501 (92%)	131 (8%)	1632
1999	1464 (90%)	17 (1%)	1481 (91%)	154 (9%)	1635
2000	1600 (90%)**	28 (2%)	1628 (92%)**	142 (8%)	1770*
2001	1682 (92%)	9 (.5%)	1691 (93%)	133 (7%)	1824
2002	1695 (93%)	15 (.8%)	1710 (94%)	115 (6%)	1825
2003	1758 (93%)	9 (.5%)	1767 (94%)	122 (6%)**	1889
2004	1840 (93%)	3 (.2%)	1843 (93%)	131 (7%)	1974
2005	2041 (94%)	1 (.5%)	2042 (94%)	135 (6%)	2177
2006	2119 (92%)	2 (.8%)	2121 (92%)	186 (8%)	2307
2007	2080 (94%)	2 (.9%)	2082 (94%)	141 (6%)	2223
2008	1982 (93%)	2 (.9%)	1984 (93%)	151 (7%)	2135
2009	2137 (94%)	1 (.4%)	2138 (94%)	144 (6%)	2282
2010	2134 (95%)	2 (.0%)	2136 (95%)	122 (5%)	2258

* 2000 totals revised to reflect additional AO's that were not previously included.

** Percentage amount corrected.

In 2010 the Director's Office expended 358 assistant director hours in issuing advisory opinions. This compares with 363 hours in 2009. Family law was the most frequently inquired about area of law. Former client conflicts was the most frequent area of specific inquiry.

G. Overdraft Notification.

The lawyer trust account overdraft reporting program provided for by Rule 1.15(j) – (o), MRPC, has been in effect since 1990. Since that time, Minnesota banks wanting to maintain lawyer trust accounts have had to be “approved” to do so, by agreeing to report all overdrafts on such accounts to the Director’s Office.⁶ When the Director receives notice of an overdraft on a lawyer trust account, the Director writes to the account-holder and requests an explanation for the cause of the overdraft and proof that it has been corrected, together with three months of the lawyer’s trust account books and records, *i.e.*, bank statements, checkbook register, client subsidiary ledgers, trial balances and reconciliations. The purposes of requesting these books and records are to (1) interpret and verify the account-holder’s overdraft explanation, and (2) where necessary, educate the account-holder regarding the trust account books and records requirements and assist him/her in conforming his/her trust account books and records to those requirements.

The number of trust account overdraft notices reported to the Director in 2010 (72) was slightly fewer than the number reported in 2009 (81). The *total* number of overdraft inquiries closed⁷ by the Director in 2010 (77) was comparable to the number closed in 2009 (76). The percentage of total closings that did not involve conversion to a disciplinary investigation in 2010 (63 or 82%) was likewise comparable to 2009 (64 or 84%).

At the end of 2010, 17 overdraft inquiry files remained open. This too was a decrease from the number of overdraft inquiry files remaining open at the end of 2009 (22). The Director’s staff’s overall time requirements for processing overdrafts in

⁶ More recently, as part of the trust account approval process, banks are also required to agree to pay a certain minimum level of interest on lawyer trust accounts.

⁷ When the Director receives a satisfactory explanation for the overdraft and is assured that the account-holder is adequately maintaining his/her trust account books and records, the Director will simply close the overdraft notice inquiry without any further action. Where, however, the overdraft appears to have been caused by a shortage in the account-holder’s trust account and/or there are other serious deficiencies identified in the account, the Director will convert the overdraft inquiry into a formal disciplinary investigation. These numbers reflect a combination of these two types of overdraft inquiry closings.

2010 (282.00 hours) was slightly less than that required in 2009 (311.25). This decrease is at least partially attributable to the decrease in the number of overdrafts reported.

Overdrafts Reported by Banks

2010	72
2009	81

Closed Inquiries During 2010

• Closed Without Need for Disciplinary Investigation	63
• Inquiry Converted to Disciplinary Investigation	14
Total Trust Account Inquiries Closed	<u>77</u>

Public Discipline Decisions Related to Trust Account Overdraft Inquiry

Eighteen disciplinary matters arising from a trust account overdraft inquiry were resolved in 2010. Only two such matters resulted in public discipline:

In re Rebeau, 787 N.W.2d 168 (Minn. 2010) (suspension);

In re Kurzman, unpublished (Minn. 2010) (public reprimand/probation).

The other 16 disciplinary matters were resolved as follows:

Private probation:	13
Admonition:	2
Dismissal:	1

In 46 (or 73%) of the inquiries closed without a disciplinary investigation, the Director recommended changes or improvements to the lawyer's trust account books, records and/or practices. This is an increase in the percentage of inquiries in which such guidance was given in 2009 (40 or 63%). The most common deficiencies discovered in lawyers' trust account books and records were a lack of proper books, failure to properly reconcile the account and commingling.

In 2010 the overdraft inquiries closed without a disciplinary investigation were closed for the following reasons:

Overdraft Cause	No. of Closings
Bank error	11
Service or check charges	11
Late deposit	9
Mathematical/clerical error	8
Third party check bounced	8
Improper/lacking endorsements	4
Deposit to wrong account	3
Bank hold on funds drawn	3
Check written in error on TA	3
Reporting error	1
Other	2

Disciplinary File Openings

As noted, the Director will convert an overdraft inquiry into a disciplinary investigation if shortages or other significant problems are identified in the lawyer's trust account books and records, the lawyer fails to respond to the overdraft inquiry or the lawyer's response does not adequately explain the overdraft. During 2010, overdraft inquiries were converted into disciplinary investigations for the following reasons:

<u>Reason for Investigation</u>	
Shortages	8
Response fails to explain OD	4
Other	2
Total	<u>14</u>

Time Requirements

The Director's time requirements to administer the overdraft notification program are as follows:

	<u>1/09-12/09</u>	<u>1/10-12/10</u>
Attorney	127.50 hrs	113.75
Paralegal and other staff	<u>183.75 hrs</u>	<u>168.25</u>
Total	311.25 hrs	282.00

H. Judgments and Collections.

In 2010 judgments were entered in 22 disciplinary matters totaling \$25,108.85.⁸ The Director's Office collected a total of \$18,108.85 from judgments entered during or prior to 2010.

A comparison of the 2010 statistics and 2009 statistics is presented below:

	2009	2010
Number of judgments entered:	39	22
Dollar value of judgments entered:	\$42,500.26	\$25,108.85
Total amount collected:	\$24,141.60	\$18,108.85
Portion attributable to current year's judgment:	\$15,400.00	\$9,361.95
Portion attributable to judgments of prior years:	\$8,741.60	\$8,746.90

One clear reason for the decrease in collections in 2010 is the fewer number of judgments entered in 2010 as compared to 2009. Additionally, similar to 2009, some respondents have entered into payment agreements with the Director's Office which allow for small monthly or bi-monthly payments over time rather than receiving the full judgment at once. Other respondents have stated that they are without resources to pay the judgment against them. Two of the respondents who failed to pay the judgments entered against them owe a combined total of \$5,261.61, over 20% of the total judgments entered in 2010.

I. Disclosure.

1. Department Function.

The disclosure department responds to written requests for attorney disciplinary records. Public discipline is always disclosed. Private discipline is disclosed only with a properly executed authorization from the affected attorney. In addition, the Director's Office responds to telephone requests for attorney public discipline records. Public discipline information also is available through the OLPR Web site. These informal telephone requests and responses are not tabulated.

⁸ The total amount of all outstanding judgments as of January 1, 2011, was \$328,693.01.

2. Source and Number of Written Requests for Disclosure.
Calendar Year 2010.

	<u># of Requests</u>	<u># of Attorneys</u>	<u>Discipline Imposed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	137	137	3	2
B. Individual Attorneys	359	359	31	4
C. Local Referral Services				
1. RCBA	22	72	0	0
2. Hennepin County	3	224	9	0
D. Governor's Office	13	27	2	0
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	82	82	2	0
F. F.B.I.	29	34	0	0
G. MSBA: Specialist Certification Program	15	114	5	3
H. Miscellaneous Requests	33	119	7	2
TOTAL	693	1168	59	11
(2009 Totals)	(597)	(1041)	(55)	(9)

3. Press Releases.

The disclosure department also handles the issuance of press releases, which are issued upon the filing of contested public petitions seeking suspension or disbarment, and again with every Supreme Court public disciplinary decision. In 2010 the Director's Office saw an increase in the number of news organizations requesting to be added to the list of recipients of news releases issued by the Office.

J. **Trusteeships.**

Rule 27(a), RLPR, states:

Appointment of Trustee. Upon a showing that a lawyer is unable to properly discharge responsibilities to clients due to disability, disappearance or death, or that a suspended, disbarred, resigned, or disabled lawyer, or a lawyer whose conditional admission has been revoked, has not complied with Rule 26, and that no arrangement has been made for another lawyer to discharge such responsibilities, this

Court may appoint a lawyer to serve as the trustee to inventory the files of the disabled, disappeared, deceased, suspended, disbarred or resigned lawyer, or a lawyer whose conditional admission has been revoked, and to take whatever other action seems indicated to protect the interests of the clients and other affected parties.

The Director's Office had one new trusteeship this year. On April 12, 2011, the Director was appointed trustee of the trust account of deceased attorney Richard Diamond. The Director will take possession of the trust account books and records, take control of the funds in the account, determine ownership and disburse the funds.

As reported in last year's annual report, the Director similarly was appointed trustee of the trust account of deceased attorney John H. Martin. The Director, after review, disbursed the funds in the trust account and was discharged as trustee on October 22, 2010.

On June 10, 2010, the Director was appointed trustee over the closed files of Centro Legal, Inc. Centro Legal ceased operations and maintains thousands of closed files in a storage facility. The Director placed ads in several Latino newspapers and ran ads and public service announcements on the radio soliciting Centro Legal clients to call for return of their files. An independent contractor was hired to interpret, field calls and return files. This trusteeship is in the final stages and the Director will be filing a final report in the coming months.

The Director's Office continues to retain the following files:

- Albert A. Garcia trusteeship – 442 files which are eligible for expunction January 1, 2014.
- William J. Platto trusteeship – 224 files which are eligible for expunction September 1, 2013.
- Alfred Edwall trusteeship – 6 files which are eligible for expunction in December 2013;
- Michael W. Coopet trusteeship – 103 files which are eligible for expunction November 1, 2011; and
- Charles O. Amdahl trusteeship – 325 files which are eligible for expunction November 1, 2011.

Extra storage space has been secured in the building for the long-term storage of these trusteeship files.

K. Professional Firms.

Under the Minnesota Professional Firms Act, Minn. Stat. § 319B.01 to 319B.12, professional firms engaged in the practice of law must file an initial report and annual reports thereafter demonstrating compliance with the Act. The Director's Office has handled the reporting requirements under statute since 1973. Annual reports are sought from all known legal professional firms, which include professional corporations, professional limited liability corporations and professional limited liability partnerships. The filing requirements for professional firms are described on the Lawyers Board Web site.

Professional firms pay a filing fee of \$100 for the first report and a \$25 filing fee each year thereafter. In reporting year 2009-2010 there were 168 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of April 30, 2011, the Director's Office received \$58,350 from 2,075 professional firm filings. There were 82 new professional firm filings for the reporting year. The Director's Office received \$68,100 during fiscal year 2010.

An Assistant Director, paralegal, and file clerk staff the professional firms department in the Director's Office. The work rarely requires direct attorney involvement. The total attorney work time for overseeing the professional firms department was 19 hours. The total non-attorney work time was 323 hours.

IV. DISTRICT ETHICS COMMITTEES.

Minnesota is one of a few jurisdictions that extensively uses local district ethics committees (DEC) to conduct the preliminary investigation of the majority of ethics complaints. The Supreme Court Advisory Committee considered the continued vitality of the DEC system in 2008 and determined that the Minnesota system continues to work well, and strongly urged its continuation.

Initial review of complaints by practitioners in their own area and by non-lawyers is valuable in reinforcing confidence in the system. The overall quantity and quality of the DEC investigative reports remain high. For calendar year 2010, the Director's Office followed DEC recommendations in 79 percent of investigated matters. Many of the matters in which the recommendation was not followed in fact involved situations in which the Director's Office sought discipline as recommended, but sought increased discipline, usually attorneys with substantial prior relevant discipline that was not considered by the DEC in making its recommendation. These matters are counted as not following the DEC recommendation.

In 2010 the monthly average number of files under DEC consideration was 155, fluctuating between a low of 133 and a high of 184. The year-to-date average for 2011 is 126 as of April 30.

Rule 7(c), RLPR, provides a 90-day goal for completing the DEC portion of investigations. For the calendar year 2010, the DEC's completed 436 investigations, taking an average of 4.3 months to complete each investigation. The Hennepin DEC was assigned 175 of these investigations, taking an average of 4.3 months per investigation. The Lawyers Board Executive Committee is aware of the slightly high average time a file is at the DEC, and is considering whether steps can be taken to improve DEC timeliness.

The Hennepin DEC, the state's largest district, uses a two-tiered complaint review process not employed by other DEC's. The Hennepin statistics are separately monitored to reflect file aging at the two decision points in the process. The Hennepin process involves investigator presentation to a screening committee. If the screening committee recommends dismissal, the complaint is returned to the Director's Office for disposition. If the screening committee concludes that additional investigation would be helpful or necessary, an Investigative Review Committee (IRC), made up of one of three Hennepin DEC panels, reviews the matter. Both the complainant and the respondent are invited to attend personally and address the committee at the IRC hearing.

In calendar year 2010, 141 matters were referred back to the Director's Office after screening without an IRC hearing; it took an average of 4.1 months to complete the DEC investigation of these matters. There were 19 matters referred to an IRC panel before being sent back to the Director's Office, which took an average of 6.1 months to complete. 15 matters were withdrawn.

For calendar year 2010, of the completed DEC investigations, there resulted the following dispositions:

Determination discipline not warranted	296
Admonition	60
Private probation	6

The annual seminar for DEC members, hosted by the Office and the Board, will be held this year on Friday, October 7, 2011. All DEC members, plus select members of the bench and bar with some connection to the discipline system, are invited. The seminar again will be held at the Ramada Plaza Minneapolis.

The Board and the Office remain committed to the support and training of ethics committee volunteers, both lawyer members and public members. In addition, the Hennepin DEC holds training/orientation seminars at least twice a year for its new members. The Director's Office continues to provide support to all of the DEC's through liaisons assigned to each district.

The Office continues to integrate the SharePoint project to facilitate communication between DEC members and make it easier for the DEC's to share reports and proposed recommendations. This project permits DEC members to post reports and recommendations on a secure Web site available only to the Office and the DEC members. DEC members are able to discuss the report and vote on the proposed recommendation via the Web site. Additionally, DEC members have access to a variety of resources through the Web site. Attorneys and support staff from the Director's Office have visited many DEC's to assist in training DEC members. It is anticipated that

SharePoint training will be completed and the SharePoint web site will be available to all DEC's before the end of 2011.

V. FY2012 GOALS AND OBJECTIVES.

Despite economic difficulties for the judicial branch as a whole, the discipline system remains financially healthy. Maintaining a reasonable overall caseload, despite the recent increases in complaints and demands for services remains a major goal for the next year. Oversight by the new Executive Committee of their guidelines for timely case handling will remain important.

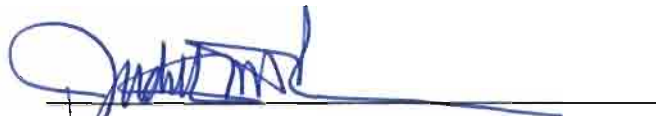
Dated: July 6, 2011.

Respectfully submitted,



MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

and



JUDITH M. RUSH
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

Judith M. Rush, St. Paul - Attorney member; current LPRB Chair; term expires January 31, 2016. Solo practitioner; served 6 years as member of the Lawyers Board and served 6 years on the Ramsey County District Ethics Committee. Areas of expertise: appellate and family law and ethics and professional liability advisory work.

Michael W. Unger, Minneapolis - Attorney member. MSBA nominee. LPRB Vice-Chair. Term expires January 31, 2014. Served on Hennepin County District Ethics Committee for 6 years. Solo practitioner at Unger Law Office Minneapolis. Areas of expertise: Civil litigation (a MSBA certified civil trial specialist), mainly plaintiff personal injury and medical malpractice. Experience in employment, labor, and class action (consumer fraud, antitrust and ERISA).

Robert B. Bauer, Apple Valley - Attorney member. Term expires January 31, 2013. Serves on the LPRB Opinion Committee. Served on First District Ethics Committee for 3 years. Attorney and shareholder in the Apple Valley law firm of Severson, Sheldon, Dougherty & Molenda, P.A. Areas of expertise: Civil litigation, real estate (a MSBA certified real property specialist), municipal and estate planning.

Nancy Zalusky Berg, Minneapolis - Attorney member. MSBA nominee. Term expires January 31, 2012. Serves on the LPRB Rules Committee. Served on Hennepin County District Ethics Committee for 18 years. Founder of Walling, Berg & Debele, P.A. Areas of expertise: Family and juvenile.

Steve Bolluyt, Eagan - Public member. Term expires January 31, 2013. Sergeant with Eagan Police Department, Investigative Division. Areas of expertise: criminal investigation, white collar/financial crime, and complex investigations.

Cassandra K. Ward Brown, Minneapolis - Attorney member. Term expires January 31, 2012. Serves on the LPRB Rules Committee. Served on Hennepin County District Ethics Committee for 6 years. Assistant General Counsel Minneapolis Public Schools. Areas of expertise: Civil litigation (employment; insurance; school).

Christopher D. Cain, Mankato - Attorney member. MSBA nominee; term expires January 31, 2013. Serves on the LPRB Executive Committee. Assistant City Attorney for the City of Mankato. Served 5 years on the Sixth District Ethics Committee. Adjunct Professor Minnesota State University – Mankato. Areas of expertise: Criminal law and forfeitures.

Carol E. Cummins, Golden Valley - Public member. Term expires January 31, 2012. Served on Hennepin County District Ethics Committee for 6 years. Consultant/Principal at Brookridge Consulting, LLC. Areas of expertise: Law firm management; ethics in intellectual property law practice; human resources and employee benefits.

Mark Daniels, Apple Valley - Public member. Term expires January 31, 2014. Manages the subrogation department of a major workers' compensation insurer. Areas of expertise: civil litigation, contract and subcontract management issues, ethics, and general business management practice that includes accounting.

William P. Donohue, Minneapolis - Attorney member. Term expires January 31, 2014. Chair of the LPRB Rules Committee. Served on Ramsey County District Ethics Committee for 7 years. Deputy General Counsel and instructor at the University of Minnesota.

Kenneth S. Engel, Minneapolis - Attorney member. Term expires January 31, 2013. Serves on the LPRB Rules Committee. Served on Hennepin County District Ethics Committee for 4 years. Attorney in the firm of Engel Professional Association. Areas of expertise: Real estate, corporate, merger/acquisition/disposition, finance, and business/family business succession planning law, and strategic advisory counsel. Experience also in construction, entrepreneurial private placement/PPM, entity formation and governance, franchising and employment law.

Susan C. Goldstein, Minnetonka - Public member. Term expires January 31, 2013. Serves on both the LPRB Rules Committee and Opinion Committee. Independent contract paralegal. Areas of expertise: Class action and complex litigation.

Sheridan Hawley, Minneapolis - Attorney member. Term expires January 31, 2013. Serves on the LPRB Opinion Committee. Solo practitioner. Areas of expertise: Juvenile law, family law, and appeals.

Nancy L. Helmich, Minneapolis - Public member. Term expires January 31, 2014. Retired. Formerly Senior Civil Litigation Paralegal at the Office of the Minnesota Attorney General for 29 years.

Marne Gibbs Hicke, Minneapolis - Public member. Term expires January 31, 2014. Serves on the LPRB Executive Committee. Served on Twenty-First District Ethics Committee for 7 years. Currently a Senior Paralegal at Barna, Guzy & Steffen, Ltd. in Coon Rapids. Areas of expertise: Criminal law/prosecution.

Geri L. Krueger, Glenwood - Public member. Term expires January 31, 2012. Serves on both the LPRB Executive Committee and Rules Committee. Sole proprietor of Geri's Paralegal Service. Areas of expertise: Civil and family mediation, guardianship, conservatorship and probate.

Richard H. Kyle, Jr., Minneapolis - Attorney member. MSBA nominee. Term expires January 31, 2014. Serves on the LPRB Opinion Committee. Served on Ramsey County District Ethics Committee for 9 years. Shareholder in the law firm of Fredrikson & Byron in Minneapolis. Areas of expertise: White collar criminal defense.

Richard Lareau, Minneapolis - Attorney member. MSBA Nominee. Term expires January 31, 2012. Serves on the LPRB Rules Committee. Served on Hennepin County and Ramsey County District Ethics Committees for many years. Partner in the law firm of Oppenheimer, Wolff & Donnelly.

Daniel Malmgren, Marine on St. Croix - Public member. Term expires January 31, 2012. Peace Officer, Lecturer and Adjunct Faculty member for several colleges. Areas of expertise: Data Practices, complaint investigation, employment law, criminal law.

Stacy L. Vinberg, Granite Falls - Lawyer member. Term expires January 31, 2014. Assistant County Attorney for the Yellow Medicine County Attorney's Office. Served on Twelfth District Ethics Committee for 10 years, including one year as Chair. Areas of expertise: real estate transactions, criminal prosecution, family law and probate.

Daniel R. Wexler, Maple Grove - Public member. Term expires January 31, 2014. Project Coordinator at Ameriprise Financial in Minneapolis. Background in domestic and international casino marketing, customer service training, communications and event planning.

Stuart T. Williams, Minneapolis - Attorney member. MSBA nominee. Term expires January 31, 2013. Chair of the LPRB Opinion Committee. Served on Hennepin County District Ethics Committee for 7 years. Attorney and shareholder with the firm of Henson and Efron in Minneapolis. Areas of expertise: Commercial litigation, environmental law, and toxic torts.

Todd A. Wind, Minneapolis - Lawyer member. Term expires January 31, 2014. Shareholder in the firm of Fredrikson & Byron. Served on Hennepin County District Ethics Committee from 1998 to 2010 as investigator, Vice-Chair and Chair. Areas of experience: civil litigation, antitrust, employment and construction.

The graph below shows the number of disbarments, suspensions, probations and reinstatements ordered by the Supreme Court over the last ten years. Clearly, these are the four largest public professional responsibility categories handled by the Director's Office and reviewed by the Court. The table below the graph indicates the variety of matters and exact number of Supreme Court dispositions and reinstatements since 2001.

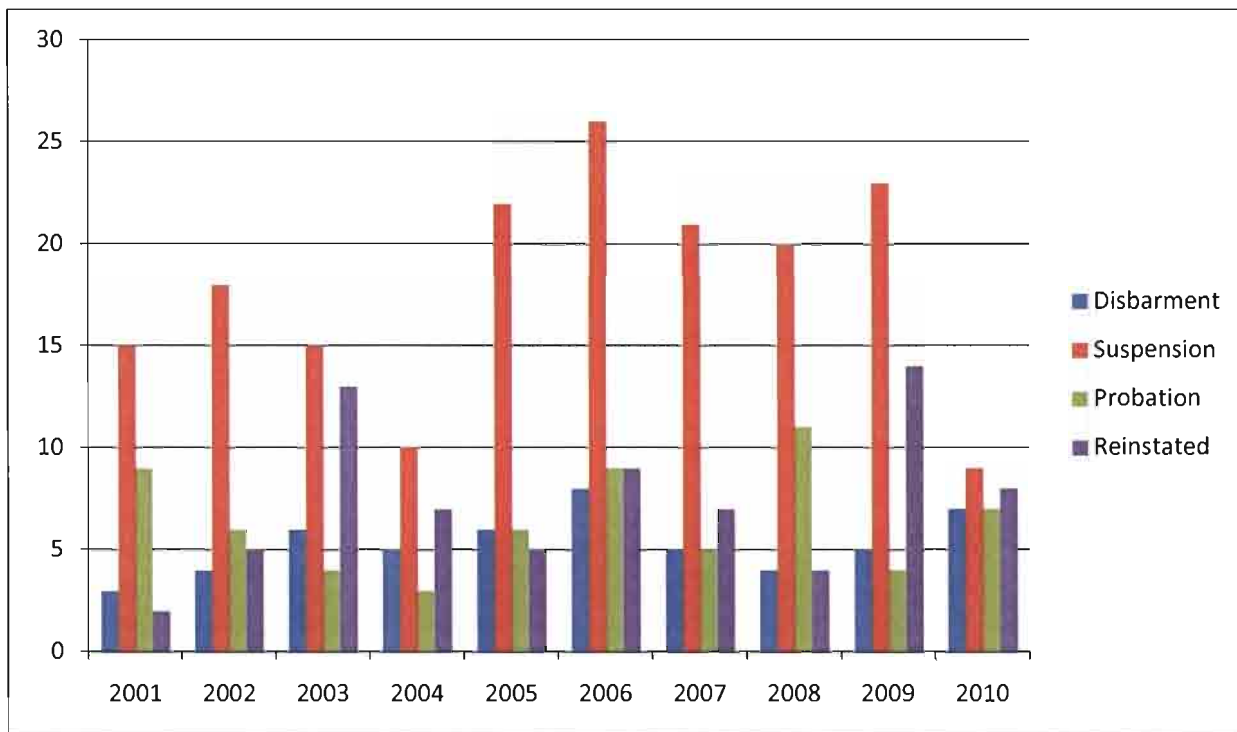


TABLE I
Supreme Court Dispositions and Reinstatements 2001-2010
Number of Lawyers

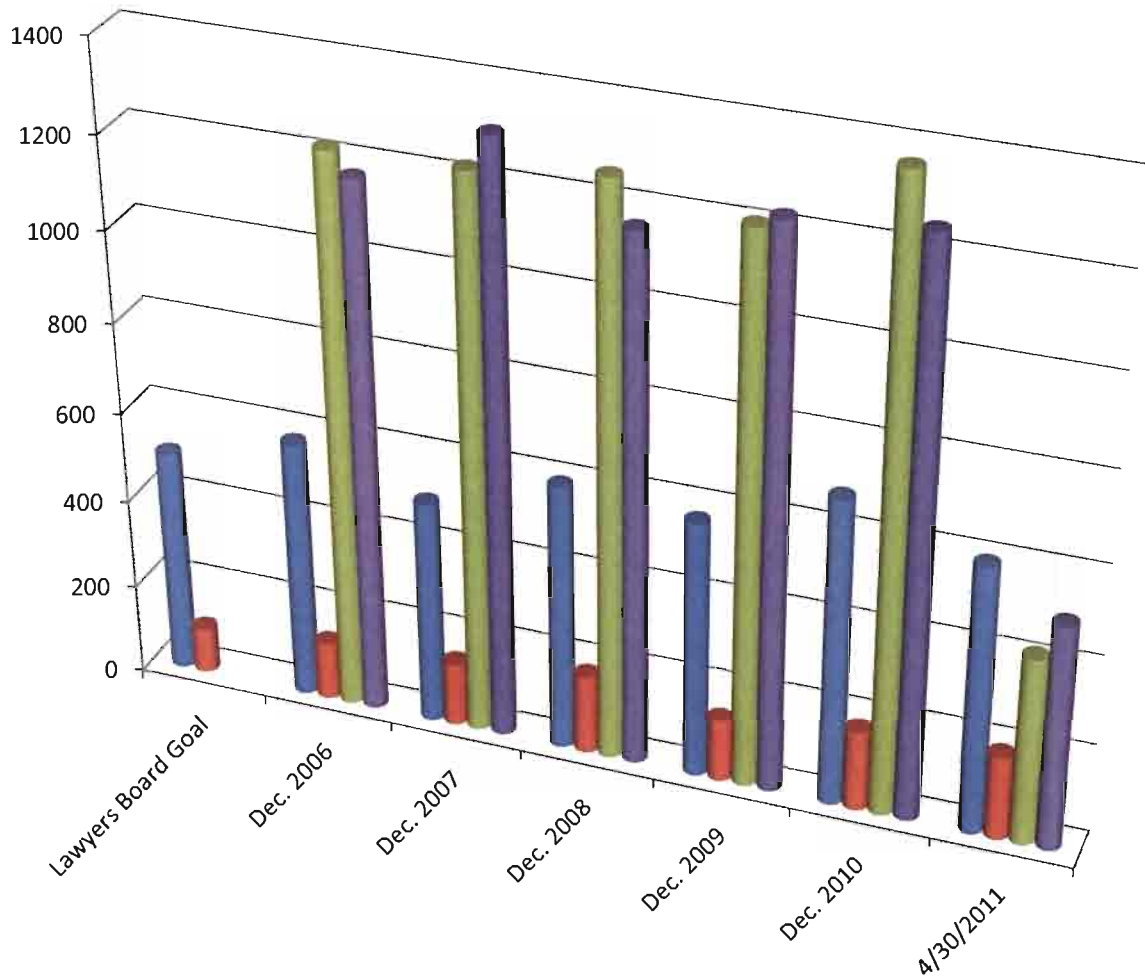
	Disbar.	Susp.	Probation	Reprimand	Dismissal	Reinstated	Reinstated Denied	Disability	SC AD/Aff	Other	Total
2001	3	15	9	2	0	2	0	2	0	1*	34
2002	4	18	6	1	1	5	0	4	0	1**	40
2003	6	15	4	-	-	13	1	3	-	-	42
2004	5	10	3	1	-	7	1	1	-	-	28
2005	6	22	6	1	-	5	-	2	-	-	42
2006	8	26	9	5	-	9	-	2	-	7***	66
2007	5	21	5	-	-	7	2	-	-	-	40
2008	4	20	11	2	-	4	2	2	-	-	45
2009	5	23	4	6	0	14	1	1	-	-	54
2010	7	9	7	3	1	8	2	4	-	-	41

* Supreme Court admonition reversed.

** Supreme Court stay.

*** 4 Supreme Court stays, 2 reinstated to retired status, 1 conditional reinstatement pending.

TABLE II



	Lawyers Board Goal	Dec. 2006	Dec. 2007	Dec. 2008	Dec. 2009	Dec. 2010	4/30/2011
■ Total Open Files	500	578	500	595	572	682	597
■ Cases at Least One Year Old	100	128	143	177	139	179	188
■ Complaints Received YTD		1,222	1,226	1,258	1,206	1,365	419
■ Files Closed YTD		1,171	1,304	1,161	1,229	1,252	502

TABLE III
Percentage of Files Closed

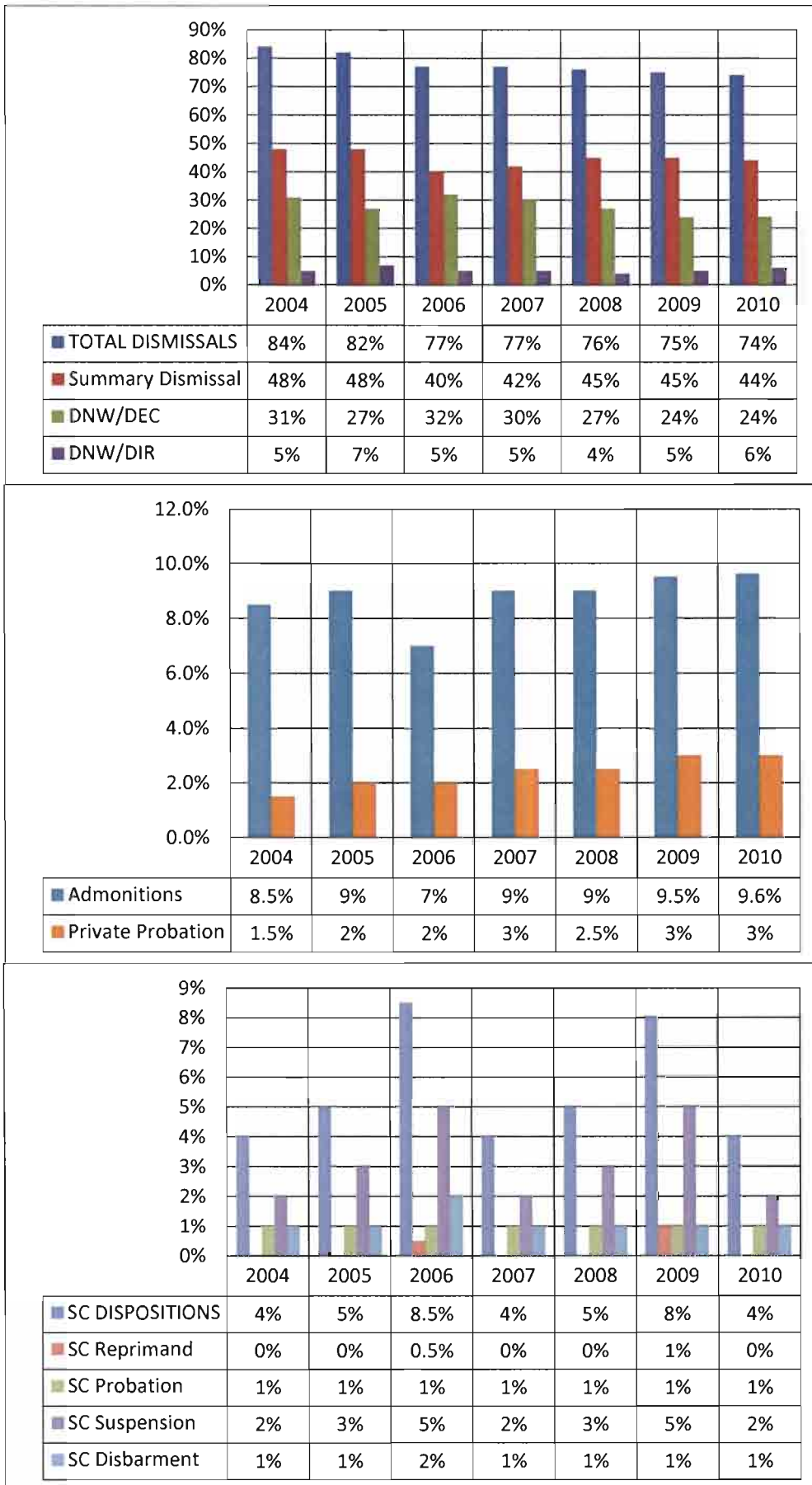
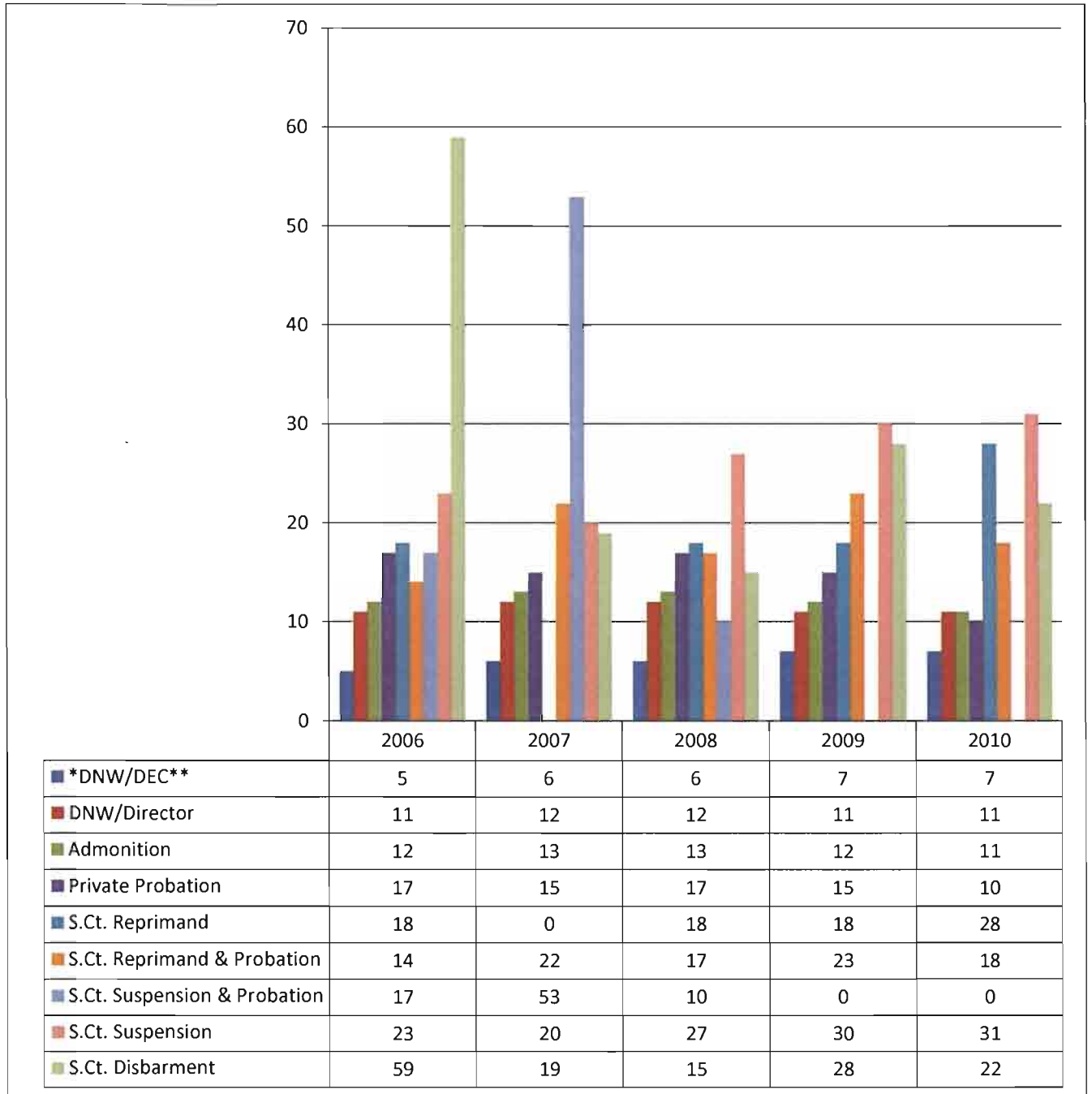


TABLE IV
Number of Months File was Open at Disposition



*Discipline Not Warranted
**District Ethics Committee

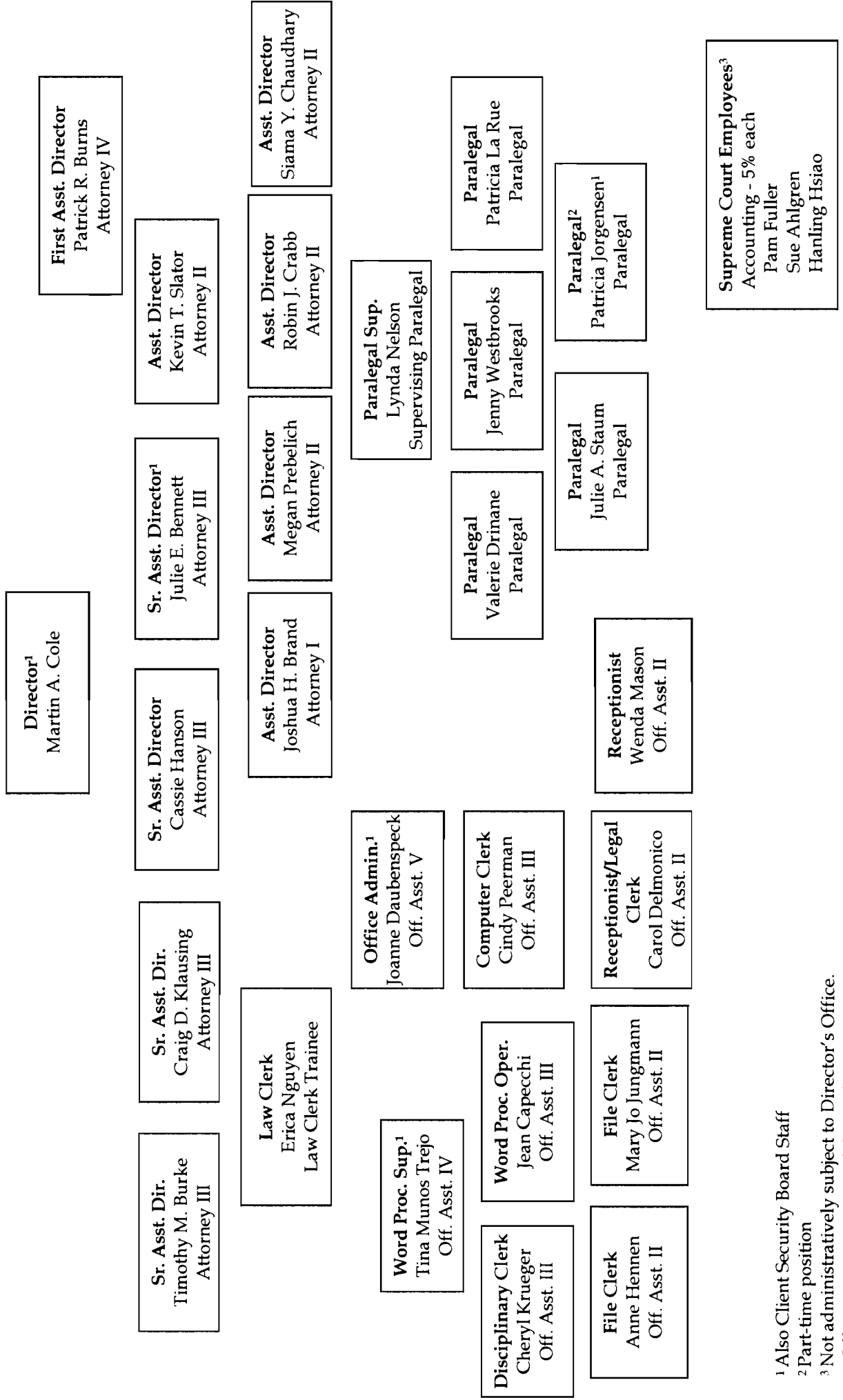
2010 OLPR Summary of Public Matters Decided
41 Decisions Involving 69 Files

Disbarment	10 files	7 attorneys	Disability Inactive Status	7 files	4 attorneys
BIBER, AARON FRANK	A10-2039	1	HARNOIS, MICHAEL DAVID	A10-2040	4
GARCIA, ALBERT A. JR.	A09-877	3	RAISANEN, GORDON PAUL	A10-1468	1
MARGULIES, MICHAEL S	A10-653	1	SARTIN, LEANNA V	A10-2073	1
MAYNE, LISA JANE	A08-1522	1	WOROBY, MARIA KATHERINE	A10-274	1
RODRIGUEZ, JUAN JESUS	A08-1986	1	Reinstatement	2 files	2 attorneys
ROTHSTEIN, THOMAS ALLEN	A09-890	2	ASKEW, BONNIE J	A10-694	1
ST MARIE, JOHN P	A10-1825	1	PETERSON, KATHERINE LINDSEY	A10-1958	1
Suspension	27 files	9 attorneys	Reinstatement & Probation	6 files	6 attorneys
AITKEN, ROBERT H III	A09-1066	1	CARPENTER, GREGORY ALLEN	A10-661	1
ALBRECHT, ALAN J	A08-2082	1	DEDEFO, NURO BEDHASO	A09-691	1
ASKEW, BONNIE J	A10-694	1	MOULTON, DANIEL J	A05-1865	1
JONAS, TRENT CHRISTOPHER	A10-851	1	PEACOCK, GREGG ALAN	A09-1158	1
KARLSEN, BENT	A08-623	8	POWELL, CHARLES R.	A09-1166	1
LYONS, THOMAS JOHN JR.	A09-472	1	WARD, THOMAS ROBERT	A09-688	1
OYEN, KRISTIAN LEE	A10-1028	6	Reinstatement Denied	2 files	2 attorneys
REBEAU, GREGORY J	A09-382	4	BREHMER, DAVID L	A07-2392	1
WAITE, JILL M	A08-2097	4	MOULTON, DANIEL J	A05-1865	1
Reprimand & Probation	11 files	7 attorneys			
BULL, ERIC DAVID	A10-1613	1			
DESMIDT, DAVID G	A10-545	2			
ELLENBECKER, JOHN D	A09-1443	4			
FETT, DONALD W	A09-1862	1			
KURZMAN, MARC G	A10-1022	1			
PAUL, TROY DANIEL	A10-547	1			
ROGGMAN, CHAD MICHAEL	A09-100	1			
Reprimand	3 files	3 attorneys			
BUNCH, JOHN W	A10-1023	1			
GANT, JESSE III	A09-1998	1			
SAVIN, MARK DAVID	A10-548	1			
Dismissal	1 files	1 attorneys			
	A10-575	1			

**Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2010 – June 2011**

Date	Topic	Location	Organization
7/9/10	Paralegal Ethics	Minneapolis	MN Paralegal Institute
8/9/10	Labor and Employment	Minneapolis	MNCLE
8/17/10	Abandoning Practice	Minneapolis	HCBA/LCL
8/21/10	MDLA Seminar – Trial Ethics	Duluth	MDLA
8/23/10	Administrative Law Judges	St. Paul	OAH
9/17/10	RCBA Seminar	St. Paul	RCBA
9/24/10	Prof. Responsibility Seminar	Minneapolis	LPRB
10/15/10	Legal Services of Dakota County	Apple Valley	Dakota County
10/26/10	Unbundling	Minneapolis	MNCLE
10/26/10	Ethics & Poverty Law	Rochester	Legal Aid of Olmstead Cty
11/9/10	Employment Law	Minneapolis	NELA
11/19/10	Tort Law Section Seminar	Minneapolis	MSBA
12/1/10	Thrust Upon Conflicts	Minneapolis	Dorsey & Whitney
12/8/10	Estate Planning for Nontraditional Families	Minneapolis	MNCLE
12/10/10	DEC Update	Anoka	21 st DEC
12/17/10	Washington County Bar Assn.	Stillwater	Washington County
1/11/11	Unbundling	Minneapolis	Fredrickson & Byron
1/11/11	Ethics for Real Estate Paralegals	Minneapolis	MN Paralegal Assoc. Real Estate Sectional
1/13/11	Probate Law Section	St. Paul	RCBA
1/14/11	Collecting Fees	Minneapolis	HCBA
1/25/11	Hamline Inns of Court	St. Paul	Hamline U
2/7/11	Law School Class	Minneapolis	U of M
2/3/11	Poverty Law Seminar	St. Paul	Wm Mitchell
2/19/11	Public Defender Conference	Hinckley	Public Defender
2/21/11	Law School Class	Minneapolis	U of St. Thomas Law School
3/3/11	Trust Accounts	Minneapolis	U of St. Thomas Law School
4/1/11	Advising the Disadvantaged	Minneapolis	MNCLE
4/4/11	Ethics Update	Minneapolis	MNCLE
4/8/11	AG Seminar	St. Paul	MN Attorney General
4/12/11	How to Avoid PR Board	Apple Valley	Dakota County
4/15/11	Workers' Compensation	Minneapolis	MNCLE
4/26/11	ADR Ethics	Minneapolis	MSBA

Office of Lawyers Professional Responsibility FY'11 Organizational Chart



¹ Also Client Security Board Staff

² Part-time position

³ Not administratively subject to Director's Office.
Office pays percentage of their salary



MINNESOTA

Lawyers Professional Responsibility Board

Office of Lawyers Professional Responsibility

1500 Landmark Towers 651-296-3952
 345 St. Peter Street 1-800-657-3601
 St. Paul, MN 55102-1218



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Announcements

Changes to Lawyer Search

Changes have been made to the Lawyer Search to make it more user friendly. The screens have been changed to display information more clearly.

2011 Professional Responsibility Seminar

The 2011 seminar will be held at the Ramada Plaza Minneapolis on October 7, 2011. Watch this space for further details.

Lawyers Board Updates

Effective February 1, 2011, Michael W. Unger was elected Vice-Chair and newly appointed members are public members Mark Daniels and Nancy Helmich and lawyer members Stacy L. Vinberg and Todd A. Wind.

Supreme Court Amends Rules

On December 17, 2010, the Minnesota Supreme Court prescribed and promulgated Rules 1.5(b) and 1.15(c)(5) of the Rules of Professional Conduct effective July 1, 2011.

What's New

"Nonrefundable advance fees to become obsolete" MN Lawyer Article

"Reinstatement after resignation" MN Lawyer Article

"Ethics Issues in ADR Practice" MN Bench & Bar Article

Quick Links

Legal References

[Professional Responsibility Seminar](#)

[Trust Accounts](#)

[Professional Firms](#)

[LPRB Opinions](#)

[Disciplinary History Request](#)

[Proposed and Pending Rules & Opinions](#)

Contact

Lawyers Professional Responsibility Board
 Office of Lawyers Professional Responsibility

1500 Landmark Towers
 345 St. Peter Street
 St. Paul, MN 55102-1218

651-296-3952
 1-800-657-3601
 Fax: 651-297-5801

TTY users call MN relay service toll free:
 1-800-627-3529

Resources

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[MN Lawyer Registration Office](#)

[MN IOLTA Information](#)

[MN Board of Continuing Legal Education](#)

[MN Board of Law Examiners](#)

[MN Board of Legal Certification](#)

[MN Judicial Branch](#)

[MN State Bar Association](#)

[ABA Center for Professional Responsibility](#)

Links

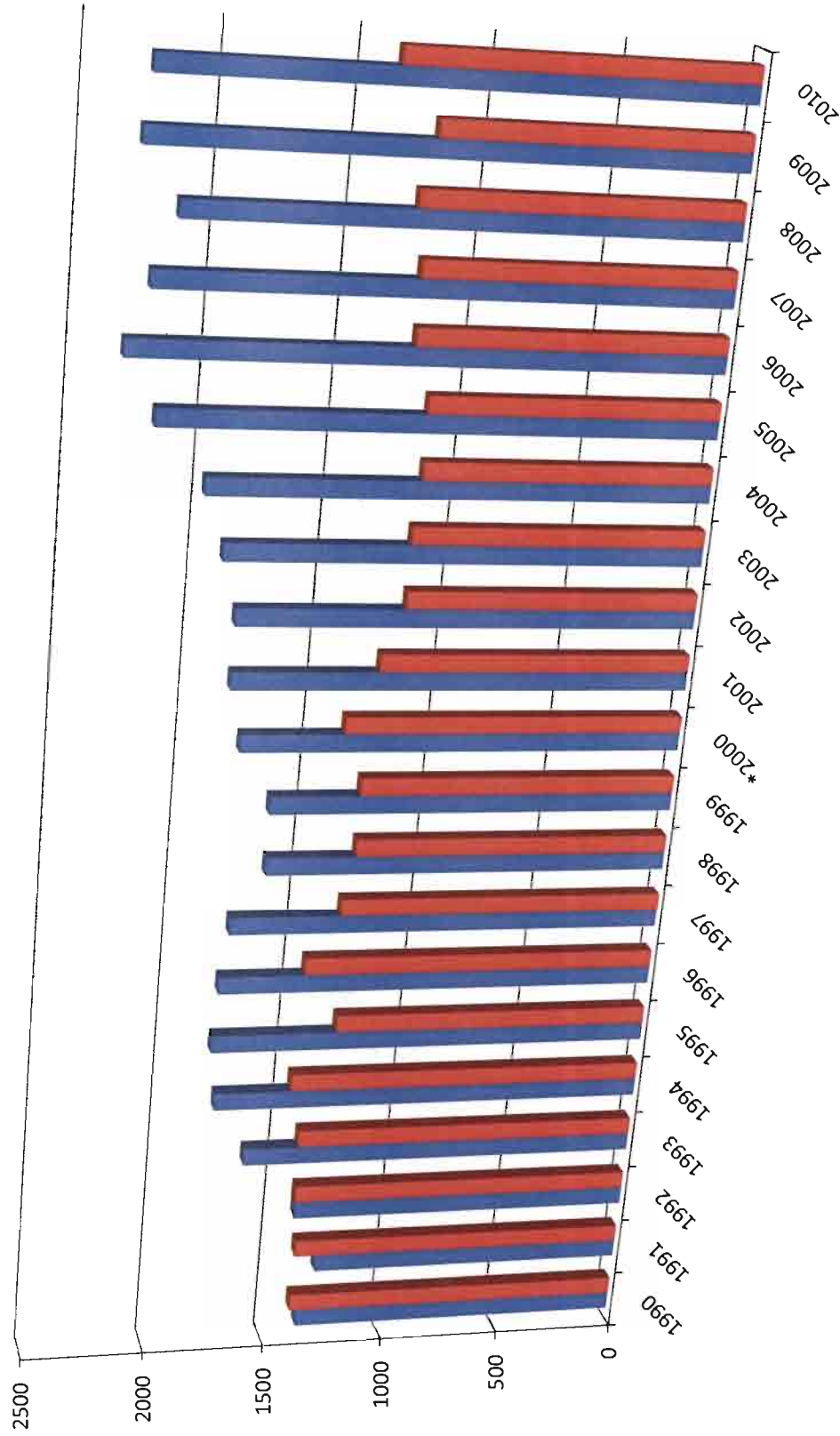
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**Advisory Opinion Requests Received
and
Number of Complaints Opened
1990 - 2010**



	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	*2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Advisory Opinions Received	1355	1292	1398	1627	1765	1795	1783	1757	1632	1635	1770	1824	1825	1889	1974	2177	2307	2223	2135	2282	2258
Complaints Opened	1384	1380	1399	1405	1456	1290	1438	1314	1275	1278	1362	1246	1165	1168	1147	1150	1222	1226	1257	1206	1365

* 2000 total advisory opinions (AO) received was revised to reflect additional AO's not previously included.