

**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 (LPRB) and the Director of the Office of Lawyers Professional Responsibility (OLPR) report annually on the operation of the professional responsibility system in Minnesota. This report is made for the period from July 2021 to June 2022 (FY2022), which represents the Board's and the Office's fiscal year. The majority of the statistical information, however, is based upon calendar year 2021, unless otherwise noted.

A Note from Board Chair Jeanette Boerner

The LPRB plays an important and independent role in the lawyer disciplinary system. While the LPRB shares in the mission to protect the public and enhance the ethical practice of law, it has a separate and distinct role from the Office of Lawyers Professional Responsibility. Many reference the "Board" as the agency responsible for all lawyer disciplinary matters, when in fact the role of the LPRB is far more narrowly defined. The LPRB does not investigate or prosecute disciplinary matters, give advisory opinions or regulate the lawyer disciplinary system. Instead, the LPRB is a check on the system providing both complainants and respondents the important service of neutral review of OLPR actions. Our decisions are independent, and some are appealable to the Minnesota Supreme Court. In addition to our adjudicatory role, we create important policy and rule changes to further our mission.

The LPRB is comprised of public and attorney members who volunteer hundreds of hours each year to this important service. Attorney members reflect a range of legal practice areas that include family, probate, corporate, civil, criminal, constitutional, ethics and mediation. Public members bring invaluable experience in the areas of legislative policy, corporate leadership, writing, law enforcement, engineering, victim advocacy and computer forensics. This broad range of experience enhances the quality of our decision-making.

In July 2021, the Board restructured its internal Committees to align with our vision and streamline efforts. We currently have three Committees: (1) Training, Education and Outreach; (2) Rules and Opinions; and (3) Diversity and Inclusion. Each Committee has an appointed Chair who devotes additional time to facilitating meetings and work groups, writing proposals and organizing events.

Our Training, Education and Outreach Committee (TEO) is chaired by Landon Ascheman. To ensure continuity and high-performance, this Committee leads the training, mentoring and support of our Board members. This year, the TEO focused on a few key initiatives. First, the TEO has facilitated the completion of our updated and user-friendly 17-page reference manual. This manual ensures that new Board members have a ready resource in navigating assigned matters and provides existing Board members a great resource when new issues are presented. Second, just this year, the Committee has hosted six LPRB member trainings for our two new members who joined the Board in February 2022. Experienced Board members partnered to educate and field questions on all aspects of the work we do from complainant appeals to reinstatement hearings. Many experienced Board members joined in these trainings for a refresher and to offer additional insights. In addition to team building, it was a tremendous educational opportunity. Moving forward, the TEO Committee will look for ways to reach out to the broader legal community to be a resource for more training and educational opportunities.

Our Rules and Opinions Committee (RO) is chaired by Dan Cragg. This Committee is consistently busy reviewing new proposed policy and rule changes on both a national and statewide level. The RO works collaboratively on rule and policy changes with the OLPR, the Minnesota State Bar Association, and other interested stakeholders, but also takes independent positions to further our mission. Last year, Committee Chair Cragg drafted and argued before the Supreme Court a proposed change to Rule 7, Minnesota Rules of Professional Conduct. In the coming months, the

RO Committee will seek long over-due amendments to the Rules on Lawyers Professional Responsibility to better reflect current practice and procedures. The time, energy and commitment in bringing forward these changes cannot be overstated.

Finally, our Diversity and Inclusion Committee is chaired by Michael Friedman. This Committee has been heavily focused on recruiting diverse Board members and helping to create a sustainable recruitment model for years to come. As Board member service is limited to two terms, it is crucial that the Board actively and continuously recruit new members who are reflective of the community we serve. One significant process change encouraged by our liaison, Justice Hudson, is to interview and thoroughly vet every candidate who applies for a Board position. This gives candidates a meaningful opportunity to share their experiences and answer important questions about their commitment to this work and likewise ensures we have the best possible candidates to serve. This new process was highly successful yielding two excellent new Board appointments. Our current Board membership is 13% diverse, which is a 200% increase since February 2021. Finally, the DI Committee, among other projects, is working to refine the LPRB's mission statement to reflect our deep commitment to increase diversity and inclusivity within the Board and the work we do.

The LPRB's Executive Committee is responsible for the oversight of the Board. In addition to the Board Chair, the Executive Committee members include Vice-Chair Susan Rhode, attorney member Allan Witz, and public members Antoinette Watkins and Ginny Klevorn. This Committee meets regularly and is responsible for managing Board operations which include mentoring and advising Board members, reviewing Board work product to assure high quality, examining data received from the OLPR, assigning Panel matters and complainant appeals, addressing conflicts, developing and communicating policy with stakeholders, maintaining and safeguarding Board data and acting as liaisons for our three Committees.

In addition to committee work and Board meetings, Board members are responsible for reviewing and presiding in many matters. One key role for individual Board members is deciding complainant appeals. The material that is included in reviewing these appeals can be voluminous, particularly if there was a lengthy investigation performed by the OLPR or a District Ethics Committee. From January 1, 2022, to June 14, 2022, Board members have been assigned 61 complainant appeals. The average turnaround time for a Board decision on these appeals is 21.4 days. Of the appeals decided, 85% have been affirmed and 15% have been sent back for further investigation.

Another key LPRB role is to handle Panel matters. The LPRB has six Panels each with a Panel Chair who handle probable cause determinations for public discipline, respondent admonition appeals, reinstatement hearings and internal ethics complaints against OLPR staff. In 2021, the Panels were assigned 20 Panel matters, with probable cause determinations constituting most assignments. From January 1, 2022, to June 14, 2022, the Panels have been assigned 12 matters, with probable cause determinations and reinstatements constituting most matters assigned. Each Panel has a Chair who has the heightened responsibility of coordinating dates, authoring decisions, convening Panels and presiding over contested matters.

I would be remiss if I did not reflect on the challenges this past year has presented with changing responsibilities and public scrutiny. Stepping into the Chair role in a time of instability and uncertainty has been challenging. Having the support of the Board's liaison, Justice Hudson and my exceptional Board colleagues who have remained united and focused on our mission, have afforded me the opportunity to lead with conviction. As a Board, we pledge to fulfill our independent mission, but also maintain professional and collaborative working relationships with the OLPR, Court, members of the legal bar and community. We proceed with diligence and integrity in each case we are assigned as we recognize that both members of the public and licensed

attorneys have a vested interest in the outcome. It is truly a privilege to work with such a talented and committed group of Board members who work tirelessly without compensation to ensure a fair and just disciplinary system.

Highlights from the Office of the Director.

Fiscal year 2022 was a challenging but ultimately solid year for the OLPR. New complaints were up modestly year over year, but still generally lower and on par with the general decline we have seen in annual case numbers for the last several years. Whether this trend will continue is anyone's guess. Speaking engagements and advisory opinion requests have returned generally to pre-pandemic levels.

Public discipline was down slightly, with 28 attorneys receiving public discipline. Private discipline was very similar to 2020, although fewer cases were appropriate for private probation than in previous years. The trend for private discipline remains that the more seasoned attorneys are the ones who receive the most discipline, as compared to their more junior colleagues. Specifically, attorneys practicing between 11-20 years received the most private discipline. This year we saw public discipline more evenly broken out amongst the varying practice levels. In 2021, we only had one lawyer transferred to disability inactive status in lieu of discipline, compared to five in 2020. Trusteeships, when lawyers pass away without a succession plan or abandon their practices for a variety of reasons, continue to rise.

Oral arguments and discipline hearings transitioned back to in-person, although some remained remote or hybrid, consistent with the Court's operational orders. Most District Ethics Committees continue meeting remotely preferring the convenience of virtual meetings, but others have resumed in-person meetings, appreciating the value of in-person discussion. The annual Seminar in September 2021 was hybrid. The 2022 Seminar will be held in-person with a virtual option at the Wilder Foundation Center in St. Paul.

In July 2021, the Court amended Rules 4 and 5 of the RLPR. Rule 4 was amended to clarify the Board's responsibility for policy governance while guiding the Director with advice and recommendations. The amendments to Rule 5 place responsibility for day-to-day operations of the Office with the Director, guided as necessary by either the Board or State Court Administration.

Substantively, the most frequently violated rules are communication (Rule 1.4) and diligence (Rule 1.3), with retainer agreement and handling of fees (Rule 1.5 and Rule 1.15(a)) continuing to grow in prevalence. Clients continue to submit the greatest number of complaints (followed by adverse parties), and the most frequent areas of practice generating complaints remain criminal law and family law, followed by litigation and probate. Client confidentiality, conflicts of interest, communication, trust accounts and withdrawal from representation are the most frequent topics addressed on the Office's advisory opinion line.

The first half of 2022 remains generally consistent with 2021 in matters of public attorney discipline. Two attorneys year to date have been disbarred. As of June 30, 2022, a total of 16 attorneys have been publicly disciplined: two disbarred, nine suspended, four publicly reprimanded and placed on probation, and one reprimanded. Private discipline year to date is down from 2021, and is modestly down from recent years.

Complaint Filings.

The number of complaints received in 2021 was 946, up from 930 in 2020. Closings were down year over year (909 v. 969), for a calendar year-end file inventory of 479. Tables outlining these and related statistics are at A. 3 - A. 10.

Files open at start of 2021:	442
Complaints received in 2021:	946
Files closed in 2021:	909
Files open at end of 2021:	479

Complaint filings for the first six months of 2022 are ahead of 2021 numbers.

Public and Private Discipline.

In 2021, 28 lawyers were publicly disciplined: four attorneys were disbarred, 17 were suspended, four were reprimanded and placed on probation, and three were reprimanded. The four disbarred attorneys were Barry Blomquist, Howard Kleyman, Nicholas Schutz and William Sutor. The disbarments in 2021 were notable because, similar to 2020, the misconduct went beyond the intentional misappropriation of client funds, the most common reason for disbarment, to include participating in very serious financial schemes.

During 2021, 88 admonitions were issued. Pursuant to Rule 8(d)(2), RLPR, if “the Director concludes that a lawyer’s conduct was unprofessional but of an isolated and non-serious nature, the Director may issue an admonition.” Prior year totals are as follows:

	2014	2015	2016	2017	2018	2019	2020	2021
Admonitions	143	115	115	90	117	107	82	88
Total Files Closed	1248	1332	1264	1073	1115	1029	969	906
%	11%	9%*	9%	8%	10%*	10%	8%*	10%

*Percentage amount corrected

The areas of misconduct involved in admonitions are set forth in Table V at A. 6.

There were also nine matters closed with private probation in 2021, down significantly from the 20 matters closed with private probation in 2020.

Annual Professional Responsibility Seminar and Continuing Legal Education Presentations.

The annual Professional Responsibility Seminar was held on September 17, 2021. Sessions included a presentation on reinstatement and redemption, Hennepin County’s racial equity impact tool, an update from Justice Natalie Hudson, a resource quick hit presentation by Joan Bibelhausen of Lawyers Concerned for Lawyers, as well as sessions

on how the OLPR follows or departs from District Ethics Committee recommendations, and commonly misunderstood or misapplied rules. The Volunteer of the Year Award was also presented to Board member Allan Witz for his work and assistance on Board member training. The annual Seminar is both a “thank you” to individuals who volunteer or have volunteered in the discipline system, and an important training and outreach program for the Office.

Each year, attorneys in the Office devote substantial time to CLE presentations and other public speaking opportunities in an effort to proactively educate the bar about professional responsibility issues. A full list of those engagements can be found at A. 17 – A. 19. This year, staff spoke at 45 events, devoting over significant time to educating the profession.

II. LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

Board Members.

The LPRB is composed of 23 volunteer members, which includes the Chair, 13 lawyers, and 9 nonlawyers. The terms of Board members are staggered so that there is roughly equal turnover in members each year. Board members are eligible to serve two three-year terms (plus any stub term if applicable). Terms expire on January 31.

Board member Susan Stahl Slieter resigned her position in November of 2021. Her term was due to expire in January 2022. Jeanette Boerner’s seat was also open, as she was appointed Chair. Jordan Hart and Clifford Greene were appointed to the Board. Landon Ascherman, Katherine Holmen, Tommy Krause, Kristi Paulson, William Pentelovitch and Bruce Williams were reappointed to second terms to expire in 2025. Kristi Paulson and William Pentelovitch filled stubs terms and are eligible for another three-year reappointment. A complete listing of Board members and their backgrounds as of June 30, 2022, is attached at A. 1 – A. 2. Associate Supreme Court Justice Natalie Hudson continues as liaison justice to the Board and Office.

Executive Committee.

The Board has a five-member Executive Committee. The Committee currently consists of Chair Jeanette Boerner, Vice-Chair Susan Rhode, Allan Witz, Ginny Klevorn and Antoinette Watkins.

Panels.

All members of the Board, other than Executive Committee members, serve on one of six Panels which make discipline probable cause determinations, reinstatement recommendations and handle complainant and admonition appeals. The Board members who act as Panel Chairs are currently: Daniel Cragg, Ben Butler, Landon Ascheman, Kristi Paulson, Bruce Williams and Bill Pentelovitch.

Standing Committees.

The Board has three standing committees. As noted by Chair Boerner in her remarks, the Board made several revisions in FY22 to better align its committee structure with Board priorities. The Opinions Committee and Rules Committee were combined. The Rules and Opinion Committee, chaired by Dan Cragg, makes recommendations regarding the Board's issuance of opinions on issues of professional conduct pursuant to Rule 4(c), RLPR, and recommendations regarding possible amendments to the MRPC and the RLPR. The DEC and Training Committee was renamed and refocused. The Training, Education and Outreach Committee, chaired by Landon Ascheman, facilitates efforts to recruit and train discipline volunteers in all parts of the discipline system. The Equity, Equality and Inclusion Committee was also renamed. The Diversity and Inclusion Committee, chaired by Michael Friedman, focuses on recruitment of diverse Board and DEC volunteers, as well as the larger issue of how to examine and eliminate bias in the discipline system and promote equality. All committees were active in FY22.

III. DIRECTOR'S OFFICE.

A. Budget.

Expenditures for the fiscal year ending June 30, 2022, are projected to be approximately \$4 million. The projected reserve balance at the end of FY22 is projected to be approximately \$717,000. FY22 expenses were favorable to budget, but revenues were not favorable to budget given the prudent delay in reallocating \$1.5 million from the Client Security Board, which will be made when necessary as reserve funds with the Client Security Board earn interest.

The Director's Office budget is funded primarily by lawyer registration fees (\$128 for most lawyers), and therefore is not dependent upon legislative dollars. FY22 projected revenue from all sources is almost \$3.6 million. The Office will continue to utilize its reserve to fund the revenue shortfall, and will come close, as noted above, to exhausting its reserve over the biennium. To address the funding shortfall, in June 2019, the Court reallocated \$6 of the annual registration fee from the Client Security Board to the OLPR, in addition to approving the \$1.5 million reallocation from the Client Security Board as needed. In May 2021, the Court also approved modest increases in lawyer registration fees going forward to ensure overall funding for the various Boards tasked with regulation of the profession, while also directing the Boards to continue to focus on cost containment, cost sharing and economies where available.

B. Personnel.

The Director's Office employs 13 attorneys including the Director, five paralegals, an investigator, an auditor, an office administrator, nine support staff and two law clerks (*see* organizational chart at A. 20). Personnel highlights in FY22 include the retirement of a long-term employee (paralegal supervisor Lynda Nelson), the departure of five attorneys (Jennifer Bovitz, Amy Halloran, Cassie Hanson, Taylor Mehr and Bryce Wang), and the addition of seven attorneys (Joseph Ambroson, Krista Barrie, Caitlin Guilford, Joanna Labastida, Deanna Natoli, Jennifer Peterson and Pa Nhia Vang), a paralegal (Debra Gotziaman), an auditor (Annette Winrick) and a law clerk

(Henry Capuano). Given the number of new team members, training has been an important focus of FY22. The Court reappointed Susan Humiston as Director in March 2022 for another two-year term.

C. Website and Lawyers Professional Responsibility Board Intranet.

The OLPR website continues to be updated regularly to ensure it remains current. While the site contains a substantial amount of useful information regarding the discipline system, as well as services provided by the Director's Office, it is old and not mobile-friendly. A Request for Proposals for a new website was published in February 2022, but did not yield many bids. Work to find a vendor and build a new website will continue into FY23. Attached at A. 21 is a recent printout of the home page for the website.

The LPRB and DEC intranet (SharePoint) sites are used by Lawyers Board members, DEC Chairs and volunteer investigators and run on a SharePoint 2013 platform. Alternative options are currently being explored, as all sites need to be transitioned away from SharePoint 2013 by no later than April 2023. The Director's Office provides regular training to new and current Board members and DEC volunteers on the use and navigation of the sites. The Office also employs a DEC/SharePoint Coordinator as the main contact for volunteers regarding questions about the sites as well as their volunteer service. The Office has incorporated slides in its Continuing Legal Education presentations to promote volunteerism in the discipline system.

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, as assigned by the Board Chair. During 2021, the Director's Office received 132 complainant

appeals, compared to 137 appeals received in 2020. A breakdown of the 132 determinations made by reviewing Board members in 2021 is as follows:

		<u>%</u>
Approve Director's Disposition	125	95
Direct Further Investigation	6	4
Instruct Director to Issue an Admonition	0	0
Instruct Director to Issue Charges	1	1

Approximately 150 clerical hours were spent in 2021 processing and routing of appeal files. A limited amount of attorney time was expended in reviewing appeal letters and responding to complainants.

E. Probation.

The probation department administers private and public probation in conjunction with attorney discipline. In 2021, the Director opened 19 new probations, 11 of which were public and 8 private. Nearly 70% of the new public probations were supervised, whereas 25% of the new private probations were supervised. Seven of the new probations were ordered as a condition of reinstatement to the practice of law.

In 2021, the Director filed no petitions for revocation of probation and for further discipline. This is a decrease from the two petitions for revocation filed in 2020.

Probations involving mental health and chemical dependency remain an ongoing concern. In 2021, four of the 19 new probations, or 21%, involved lawyers with mental health issues and/or substance/alcohol use issues. Of the 81 open probations in 2021, approximately 22% percent (18 probations) implicated consideration of lawyer wellness issues—either as part of the underlying disposition, or as a specific term of probation monitoring.

The Court transferred no probationers to disability inactive status. Ten of the new probations, or 53%, resulted from violations of safekeeping of property. Four of the new 2021 probations involved experienced lawyers who had 20 or more years of

practice, four with 30 or more years of practice, and five with 40 or more years of practice.

During 2021, 23 Minnesota attorneys served as volunteer probation supervisors. Their volunteer service to assist lawyers in need is greatly appreciated. Six attorneys and five paralegals staff the probation department, and consistently commit between 40-50 hours collectively per week. Additional probation statistics are provided at A. 15-A. 16.

F. Advisory Opinions.

Advisory opinions are available to all licensed Minnesota lawyers and judges, and out-of-state attorneys with questions about Minnesota's rules. Advisory opinions are limited to prospective conduct. Questions or inquiries relating to past conduct, third-party conduct (i.e., conduct of another lawyer) or questions of substantive law are not answered. Advisory opinions are not binding upon the Lawyers Board, the Supreme Court or other third-parties; 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 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. The advisory opinion service remains one of the most valuable outreach tools to the profession the Office has.

In 2021, the Director's Office received 2004 requests for advisory opinions, compared to 1,700 in 2020, a significant increase of 18%. Advisory opinion requests appear to be back to pre-pandemic levels. (A. 11 - A. 12.) Table XIII at A. 13 shows the areas of inquiry of opinions.

In 2021, the Director's Office expended 435 assistant director hours in issuing advisory opinions. This compares with 414 hours in 2020. Dissolution/custody and

criminal matters were the most frequently inquired about areas of law, then litigation and estate planning/wills and trusts. Client confidentiality (Rule 1.6) was the most frequent area of specific inquiry, along with conflicts of interest (Rule 1.7), communication (Rule 1.4) and conflict-former clients (Rule 1.9).

G. Overdraft Notification.

Pursuant to Rule 1.15(j) – (o), MRPC, lawyer trust accounts, including IOLTA accounts, must be maintained in eligible financial institutions approved by the Director’s Office, and the bank must agree to report all overdrafts on trust accounts to the Director’s Office. Administration of the trust account overdraft program includes books and records reviews and auditing. Individualized education is also provided through the overdraft program to target specific deficiencies and to ensure compliance with Rule 1.15, MRPC, and Appendix 1.

Thirty-seven account overdraft notices were reported to the Director in 2021, which was four less than the number (41) reported in 2020. During 2021, the Director converted five overdraft inquiries into disciplinary files. The most common reasons for opening a disciplinary file were shortages (3) and commingling (1), which are often the result of significant record-keeping deficiencies. Additional reasons to open a discipline file included improper books and records, failure to cooperate, and improper use of a trust account for personal/business expenses. The Director closed 36 overdraft inquiries in 2021. Of these closures, 31 were closed without a disciplinary investigation. In 17 of these 31 closures, or 55 percent, the Director made recommendations regarding the attorney’s trust account practices.

In 2021, the overdraft inquiries closed without a disciplinary investigation were closed for the following reasons:

Overdraft Cause	No. of Closings
Check written in error on TA	4
Bank error	11
Fraudulent charges	3
Late deposit	3
Mathematical/clerical error	9
Other	1

A total of 145.25 hours – 33.5 hours of attorney time and 111.75 of auditor/staff time – was spent administering the overdraft program in 2021. This was a slight increase from the 141.25 hours spent in 2020. The increase in time, despite the decrease in the number of overdrafts, is attributable to training of new staff, updating bank agreements, and collaborative meetings between the OLPR and the IOLTA team to clarify and streamline processes.

One attorney and one paralegal have historically staffed the overdraft program. The paralegal who has administered the overdraft program since its inception retired mid-year. The Office hired a forensic auditor, who took over the paralegal’s overdraft program responsibilities. The forensic auditor’s responsibilities include conducting the Office’s disciplinary and probationary trust and business account books and records reviews and audits, with additional paralegal backup.

Since the inception of the trust account overdraft program in 1990 through 2021, approximately¹ 3,074 overdrafts have been reported to the Director. Of those total overdrafts, 381, or 12%, were converted into disciplinary investigations. Those 381 disciplinary investigations were resolved as follows:

¹Data for the years 1990 and 1991 is not available so the number of reported overdrafts for those years has been estimated.

Public Dispositions:

Disbarment	25
Suspension	83
Public reprimand/probation	40
Disability Inactive Status	5
TOTAL	153

Private Dispositions:

Private probation	127
Admonition	54
Panel admonition	4
Dismissals	30
TOTAL	215

(13 of the 381 disciplinary investigations were ongoing at the conclusion of 2021.)

H. Judgments and Collections.

In 2021, judgments totaling \$28,685 were entered in 31 disciplinary matters. The Director's Office collected a total of \$24,206.17 from judgments and orders entered during or prior to 2021. Of the amount collected in 2021, \$3,048.95 was received through the Department of Revenue's revenue recapture program.

In 2020, judgments totaling \$25,397.58 were entered in 27 disciplinary matters. The Director's Office collected a total of \$27,428.65 from judgments and orders entered during or prior to 2020. Although the amount collected in 2021 was less than the amount collected in 2020, it is consistent with amount collected in 2018 (\$24,008) and 2019 (\$24,579).

I. Disclosures.

The disclosure department responds to written requests for attorney disciplinary records. Public discipline is always disclosed. Private discipline is disclosed only with

an executed authorization from the affected attorney. In addition, the Director’s Office responds to telephone requests for attorney public discipline records. Public discipline information is also available through the OLPR website. Informal telephone requests and responses are not tabulated. The following formal requests were received in 2021:

	<u>No. of Requests</u>	<u>No. of Attorneys</u>	<u>Discipline Disclosed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	239	239	14	3
B. Individual Attorneys	442	442	19	5
C. Local Referral Services				
1. RCBA	1	1	0	0
2. Hennepin County	0	0	0	0
D. Governor’s Office	27	67	2	3
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	115	115	1	0
F. F.B.I.	35	36	1	0
G. MSBA: Specialist Certification Program	13	128	6	5
H. Miscellaneous Requests	17	28	2	0
TOTAL	889	1056	45	16
(2020 totals for comparison)	646	868	36	3

J. Trusteeships.

Rule 27(a), RLPR, authorizes the Supreme Court to appoint the Director as trustee of an attorney’s files or trust account when no one else is available to protect the clients of a deceased, disabled or otherwise unavailable lawyer. In FY22, significant resources of the Office were dedicated to inventorying and returning client files, and otherwise administering the trusteeship department of the Office. Although it can be burdensome, stepping in to assist former clients of deceased lawyers remains a value service to the profession and family members of deceased attorneys that the Office is proud to provide.

In February 2021, the Director was appointed trustee over the client files belonging to disabled attorney Steven B. Szarke. The Director conducted an inventory of the files, contacted clients whose files were less than seven years old and/or contained a valuable original document(s), and returned or destroyed the files pursuant to the clients' wishes. This trusteeship was closed in December 2021 and the Director's retention schedule for the remaining files is detailed below.

In May 2021, the Director was appointed trustee over the client files belonging to deceased attorney David O.N. Johnson. The Director conducted an inventory of the files, contacted clients whose files were less than seven years old and/or contained a valuable original document(s), and returned or destroyed the files pursuant to the clients' wishes. This trusteeship was closed in December 2021 and the Director's retention schedule for the remaining files is detailed below.

In August 2021, the Director was appointed trustee over the client files and client trust account belonging to deceased attorney Aleksandra Ljubisavljevic. The Director is finalizing her review of the trust account records and has completed her inventory of the files. The Director is currently contacting clients whose files are less than seven years old and/or contain a valuable original document(s). The Director will then return or destroy the files pursuant to the clients' wishes.

In September 2021, the Director was appointed trustee over the client files and client trust accounts belonging to deceased attorney Patricia G. Mattos. The Director is finalizing her review of the trust account records and has completed her inventory of the files. In the near future, the Director will begin contacting clients whose files are less than seven years old and/or contain a valuable original document(s). The Director will then return or destroy the files pursuant to the clients' wishes. The Director has already returned approximately 20 files to clients who have called the Office since Ms. Mattos' passing.

In February 2022, the Director was appointed trustee over the client files belonging to deceased attorney Edward H. Rasmussen. The Director recently took possession of the files and will begin her inventory of those files in the near future.

In June 2021, the Director closed the trusteeship over disbarred attorney Boris A. Gorshteyn. All client files were more than seven years old, none contained valuable original documents and, thus, were destroyed pursuant to the Court's order.

The Director continues to retain the following client files:

- Rachel Bengtson-Lang trusteeship – valuable original documents are eligible for expunction in August 2023.
- Ronald Resnik trusteeship – valuable original documents are eligible for expunction in August 2023.
- Jan Stuurmans trusteeship – 37 files are eligible for expunction in June 2022, with the exception of documents the Director determines to be of value, which are eligible for expunction in June 2024.
- Francis E. Muelken trusteeship – 291 files are eligible for expunction in June 2024.
- Joel Ray Puffer trusteeship – 16 files are eligible for expunction in July 2022, with the exception of documents the Director determines to be of value, which are eligible for expunction in July 2024.
- David A. Lingbeck trusteeship – 108 files are eligible for expunction in October 2023, with the exception of documents the Director determines to be of value, which are eligible for expunction in October 2025.
- David J. Van House trusteeship – 187 files are eligible for expunction in December 2023, with the exception of documents the Director determines to be of value, which are eligible for expunction in December 2025.
- David O.N. Johnson trusteeship – 20 files are eligible for expunction in December 2024, with the exception of documents the Director determines to be of value, which are eligible for expunction in December 2026.
- Steven B. Szarke trusteeship – 16 files are eligible for expunction in December 2024, with the exception of documents the Director determines to be of value, which are eligible for expunction in December 2026.

K. Professional Firms.

Under the Minnesota Professional Firms Act, Minn. Stat. § 319B.01 to 319B.12, professional firms engaged in the practice of law for profit must file an initial report and annual reports thereafter demonstrating compliance with the Act. The Director's Office has handled the reporting requirements under this 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 OLPR website.

Professional firms pay a filing fee of \$100 for the first report and a \$25 filing fee each year thereafter. In reporting year 2020 (December 1, 2020—November 30, 2021), there were 75 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of May 31, 2022, the Director's Office received \$61,200 from 2,265 professional firm filings during fiscal year 2022. There were 41 new professional firm filings for the period of December 1, 2021—May 31, 2022. The Director's Office received \$65,575 during fiscal year 2021.

An assistant director, paralegal, and administrative clerk staff the professional firms department. For fiscal year 2022 (as of May 31, 2022), the total attorney work time for overseeing the professional firms department was 55 hours. The total non-attorney time was 553 hours.

IV. DISTRICT ETHICS COMMITTEES (DECs).

Minnesota is one of only a few jurisdictions in the United States which continues to extensively use local volunteers 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 works well and strongly urged its continuation. Each DEC corresponds to the MSBA

bar district, and each is assigned a staff lawyer from the OLPR as a liaison to that DEC. Currently, there are approximately 235 DEC volunteers.

Initial review of complaints by practitioners and nonlawyers is valuable in reinforcing confidence in the system. The overall quality of the DEC investigative reports remain high. For calendar year 2021, the Director's Office followed DEC recommendations in 85% of investigated matters which were closed during the year. Many of the matters in which the recommendation was not followed involved situations in which the DEC recommended a particular level of discipline, but the Director's Office sought an increased level of discipline. This typically involved attorneys with prior relevant discipline that was not known, and thus, not considered by the DEC in making its recommendation. These matters are counted as not following the DEC recommendation.

In 2021, the monthly average number of files under DEC consideration was 86, fluctuating between a low of 64 and a high of 105. The year-to-date average for 2022 is 87, as of April 2022. Rule 7(c), RLPR, provides a 90-day goal for completing the DEC portion of the investigation. For calendar year 2021, the DEC completed 220 investigations, taking an average of four months to complete each investigation.

For calendar year 2021, of the completed DEC investigations statewide, the following dispositions were made (measured by the number of files, rather than lawyers):

Determination discipline not warranted	144
Admonition	55
Private probation	1

The annual seminar for DEC members will be held this year on Friday, September 23, 2022. All DEC members, plus members of the bench and bar with connection to the discipline system, are invited. Active discipline system volunteers attend the seminar at no cost.

Rule 3(a)(2), RLPR, requires that at least 20 percent of each DEC be nonlawyers. The rule's 20 percent requirement is crucial to the integrity of the disciplinary system and to the public's perception that the system is fair and not biased in favor of lawyers. Compliance with that requirement has improved since 2011, when 11 of the 21 DECs did not meet the 20 percent nonlawyer membership requirement. However, as of May 1, 2022, six districts are not in full compliance. Additionally, one DEC is focused on recruiting new members as several current members have exceeded their term limits. The Office and Board continue to work with these districts to bring them into compliance.

V. SUMMARY.

FY22 was a year where the OLPR team was called upon to demonstrate its overall resilience and commitment to the mission of the Office. The team persevered through an on-going pandemic, as well as numerous other challenges, to continue to deliver on its commitment to conducting fair investigations and prosecuting discipline where warranted. Despite the challenges, the Office has been able to recruit and train high quality personnel, continue its day-to-day operations effectively as demonstrated in this report, and remains committed and energized by its mission of strengthening the profession and protecting the public.

The Minnesota Supreme Court conducts periodic reviews of its lawyer discipline system. This year, the Court has asked the American Bar Association's Standing Committee on Professional Regulation to consult on Minnesota's discipline system. The consultation examines the structure, operations, and procedures in place with the goal of providing constructive suggestions for ways to optimize the efficiency and effectiveness of Minnesota's lawyer discipline system. The consultation is in process at the time of this report, with the recommendations to be provided to the Court in September 2022.

The Office echoes the comments of Board Chair Boerner and joins with her in thanking Justice Natalie Hudson for her liaison work, as well as expressing our thanks to the entire Court for its steadfast commitment to ensuring the legal profession is well-regulated. Together we look forward to a collaborative and productive relationship with all stakeholders in our shared commitment to a high-functioning attorney discipline system.

For the Board:

/s/Jeanette M. Boerner

JEANETTE M. BOERNER
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD

For the OLPR:

/s/Susan M. Humiston

SUSAN M. HUMISTON
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

Jeanette M. Boerner, Minneapolis - Chair. Attorney member. Term expires January 31, 2023. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Director of Hennepin County Adult Representation Services. Area of law: 26 years' experience in criminal and child protection defense work.

Landon J. Ascheman, St. Anthony - Attorney member. MSBA nominee. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee and Equity, Equality & Inclusion Committee. Served on Fourth District Ethics Committee for three years. Founder of Ascheman Law, LLC. Area of law: Criminal.

Benjamin J. Butler, St. Paul - Attorney member. MSBA nominee. Term expires January 31, 2024. Serves on LPRB Rules Committee. Managing Attorney, Office of the Minnesota Appellate Public Defender. Area of expertise: Criminal law.

Daniel J. Cragg, Minneapolis - Attorney member. MSBA nominee. Term expires January 31, 2023. Serves on LPRB Rules and Opinions Committee. Partner at Eckland & Blando, LLP. Member of MSBA's Rules of Professional Conduct Committee since 2014.

Michael Friedman, Minneapolis - Public member. Term expires January 31, 2023. Serves on LPRB Opinion Committee and Equity, Equality & Inclusion Committee. Served on Hennepin County District Ethics Committee nearly seven years. Executive Director of Legal Rights Center. Former Board Chair of the Minneapolis Civilian Police Review Authority.

Clifford M. Greene, Minneapolis - Attorney member. Partial term expires January 31, 2023. Retired from practice of law in 2020. Co-founded Greene Espel LLP. Regularly counseled and defended government agencies and official in disputes involving high-profile claims and significant precedent. Serves as an ADR neutral. Areas of practice: complex business, employment, and product liability actions, with special focus on federal practice and procedures.

Jordan Hart, St. Louis Park - Public member. Term expires January 31, 2025. Licensed doctoral level clinical psychologist for twenty years. Owner of private practice. Served on the Board of Directors for the Association of Family and Conciliation Courts for the past four years. Current member of the Minnesota ADR Ethics Board. Also a member of the Minnesota Psychological Association (where she previously served for three years on their Ethics Committee).

Katherine A. Brown Holmen, Eagan - Attorney member. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee. Served on Second District Ethics Committee for six years. Attorney at Dudley and Smith, P.A. Area of practice: Personal Injury.

Peter Ivy, Chaska - Attorney member. Term expires January 31, 2023. Chair of LPRB Rules and Opinions Committee. Serves as Chief Deputy Carver County Attorney. Carries a felony caseload and provides legal advice to all Carver County officials and divisions. Serves as Co-Chair of the Minnesota County Attorneys Association Ethics Committee. Area of practice: Criminal and in-house counsel to county divisions.

Virginia Klevorn, Plymouth - Public member. Term expires January 31, 2023. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Served on Fourth District Ethics Committee for three years. Business management consultant specializing in alternative dispute solution services. Minnesota House Representative for District 44A.

Tommy A. Krause, Virginia - Public member. Term expires January 31, 2025. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Served on 20th District Ethics Committee for six years. Serves as Vice President on the Board of Directors for Range Mental Health Center and as President of the Virginia Area United States Bowling Congress Association. Served as member of the Board of the Northern St. Louis County Habitat for Humanity. Retired law enforcement officer for the Virginia Police Department. Areas of expertise: Criminal and internal investigations.

Mark Lanterman, Minnetonka - Public member. Term expires January 31, 2021. Serves on the LPRB Training, Education and Outreach Committee. Chief Technology Officer for Computer Forensic Services. A former sworn law enforcement investigator assigned to the United States Secret Service Electronic Crimes Task Force who has also served as a neutral computer forensic analyst in both federal and state court. Faculty at the Mitchell Hamline School of Law, the University of St. Thomas School of Law, the National Judicial, College the Federal Judicial Center in Washington D.C., and the University of Minnesota's Security Technologies Program. Completed postgrad studies in cybersecurity at Harvard University and is certified as a Seized Computer Evidence Recovery Specialist (SCERS) by the Department of Homeland Security. Areas of expertise: digital forensics and cybersecurity.

Paul J. Lehman, Minnetonka - Public member. Term expires January 31, 2023. Serves on LPRB Training, Education and Outreach Committee. Member of Minnesota Client Security Board. Served on Hennepin County District Ethics Committee for three years.

Kristi J. Paulson, Burnsville - Attorney member. MSBA nominee. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee. President of Kristi J. Paulson, Chartered Law Firm since 1998. Minnesota Rule 114 Qualified Mediator and Arbitrator since 2017.

William Z. Pentelovitch, Minneapolis - Attorney member. Term expires January 31, 2025. Serves on LPRB Equity, Equality & Inclusion Committee. Partner at Maslon, LLP. Trial lawyer for more than 46 years. Fellow, International Academy of Trial Lawyers and 2020 Recipient of Lifetime Achievement Award from Minnesota State Bar Association. Served on HCBA District Ethics Committee. Served eight years on Civil Trial Certification Council of the MSBA. Area of expertise: Complex business litigation.

Andrew N. Rhoades, Woodbury - Public member. Term expires January 31, 2024. Serves on LPRB DEC and Training Committee. Assistant Federal Security Director at Minneapolis-St. Paul International Airport.

Susan C. Rhode, Minneapolis - Vice Chair. Attorney member. First term expires January 31, 2021. Serves on LPRB Rules and Opinions Committee. Served as Fourth District Ethics Committee Chair for six years. Partner at Moss & Barnett. Area of practice: Family law focusing on complex financial issues in dissolution matters.

Geri C. Sjoquist, Tower - Attorney member. MSBA nominee. Term expires January 31, 2024. Adjunct at Mitchell Hamline School of Law. Serves on Equity, Equality and Inclusion Committee. Rule 114 Qualified Neutral. Founder of Sjoquist Law LLC. Area of law: civil, family.

Mary L. Waldkirch Tilley, Marine on St. Croix - Public member. Term expires January 31, 2023. Serves on LPRB Equity, Equality & Inclusion Committee. Retired Victim Services Supervisor with Washington County.

Antoinette M. Watkins, Minneapolis - Public member. Term expires January 31, 2024. Serves on LPRB DEC and Training Committee. Regional Director for Wells Fargo Institutional Retirement and Trust, Northeast and Mid-Atlantic Territory. Ongoing and ad hoc volunteer for various organizations within the Twin Cities.

Bruce R. Williams, Virginia - Attorney member. Term expires January 31, 2025. Serves on LPRB Executive Committee and Equity, Equality & Inclusion Committee. Served as Twentieth District Ethics Committee Chair from 2011 to 2017. Served as Chair for the Supreme Court Board of Continuing Legal Education from 2001 - 2002. Appointed to the Minnesota Supreme Court Advisory Committee to Review the Lawyer Discipline System in July 2007. Handles serious felony matters as part-time attorney for the Sixth District Public Defenders Office in Virginia, Minnesota since 1990. Sole practitioner. Areas of expertise: General litigation, family, criminal defense. Certified as a criminal trial specialist since 2005.

Allan Witz, Rochester - Attorney member. Second term expires January 31, 2023. Chairs the LPRB Training, Education and Outreach Committee. Licensed to practice law in Minnesota, Florida, Michigan, and South Africa (inactive). Served three years on the Third District Ethics Committee. Former Chair of the Third District Bar Association Fee Dispute Resolution Committee. Former President of the Olmsted County Bar Association. Former President of the Third District Bar Association. Principal practice areas: Business law, estate planning and immigration law.

Julian C. Zebot, Minneapolis - Attorney member. MSBA nominee. Term expires January 31, 2023. Serves on LPRB Rules and Opinions Committee. Co-General Counsel and Ethics Partner for Maslon LLP. Served on the Hennepin County District Ethics Committee for more than 10 years. Served as Vice Chair of the Ethics and Malpractice Committee within the ABA Real Property Trust & Estate Section for the past several years.

Table I
Complaint Statistics 2000–2021

	Files	Files
<u>Year</u>	<u>Opened</u>	<u>Closed</u>
2000	1362	1288
2001	1246	1277
2002	1165	1226
2003	1168	1143
2004	1147	1109
2005	1150	1148
2006	1222	1171
2007	1226	1304
2008	1258	1161
2009	1206	1229
2010	1366	1252
2011	1341	1386
2012	1287	1287
2013	1256	1279
2014	1293	1248
2015	1210	1332
2016	1215	1264
2017	1110	1073
2018	1107	1115
2019	1003	1029
2020	930	969
2021	946	909

TABLE II
Supreme Court Dispositions and Reinstatements 2012-2021
Number of Lawyers

	Disbar.	Susp.	Reprimand Probation	Reprimand	Dismissal	Reinstated	Reinstated Denied	Disability	SC AD/Aff	Other	Total
2012	6	26	8	1	1	7	-	-	-	-	49
2013	11	28	9	4	-	14	-	2	-	-	68
2014	6	22	6	5	-	10	1	0	0	1***	51
2015	6	47	8	4	-	14	-	1	-	-	80
2016	6	27*	4	6	2	20	2	2	1	1***	71*
2017	5	26	5	4	-	12*	-	3	1	1****	57*
2018	8	23	8	6	-	12	-	6	1	1***	65
2019	5	22	4	4	-	10	1	1	1	-	48
2020	3	24	5	1	-	10*	-	5	-	1**	49*
2021	4	17	4	3	-	8	2	1	-	-	39

*Number corrected

**Stayed Disbarment

***Reinstatement dismissed

****Supreme Court Probation Extended

TABLE III
Disbarments, Suspensions, Probations and Reinstatements 2012-2021

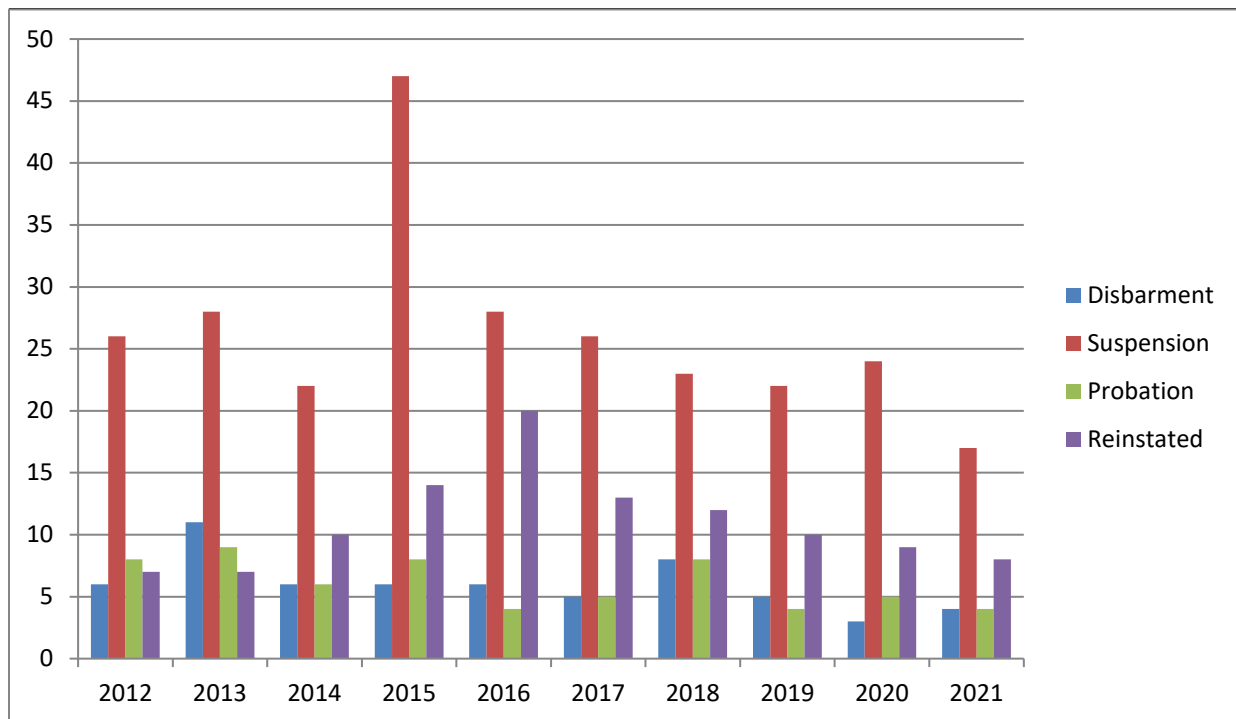
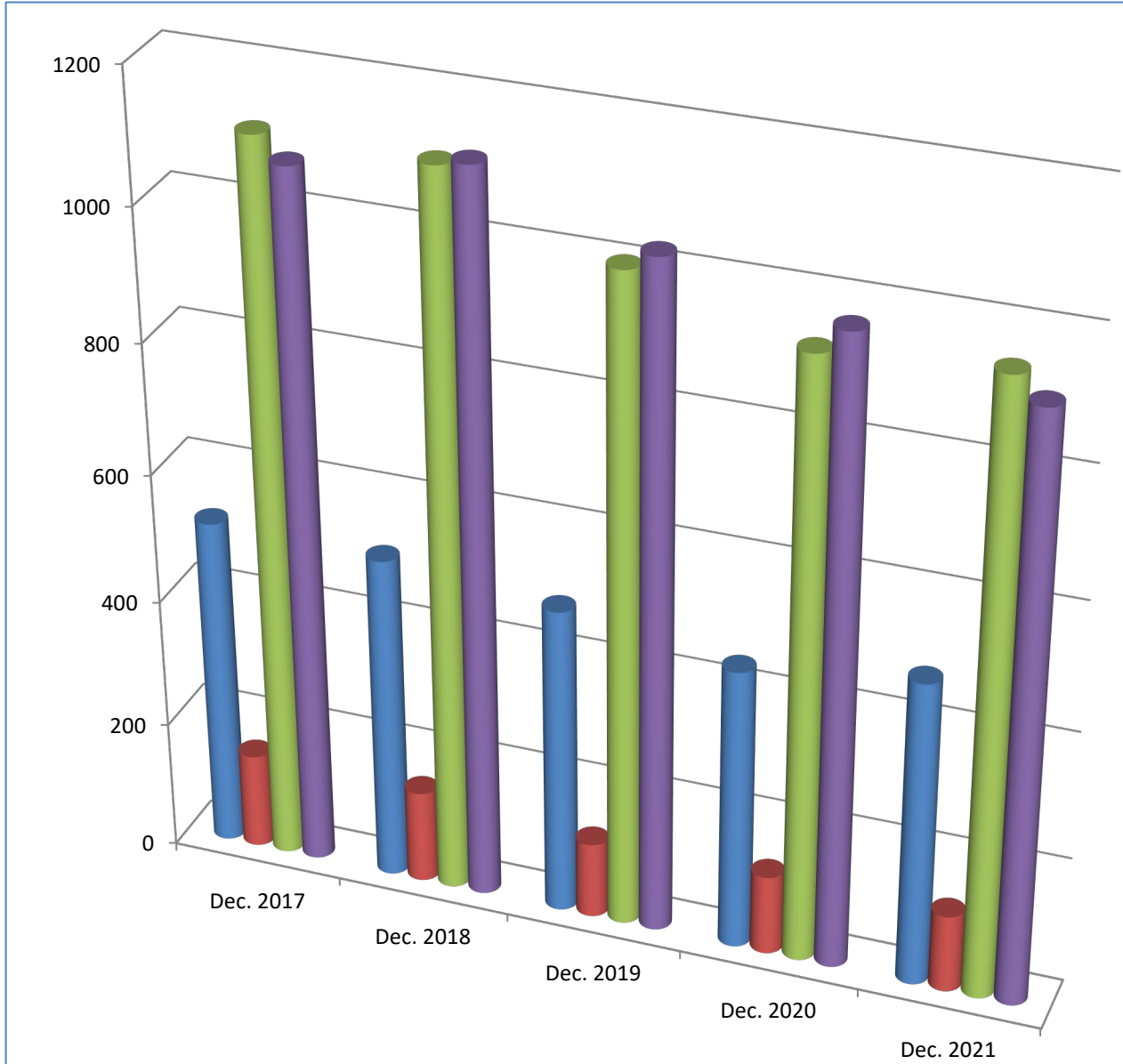


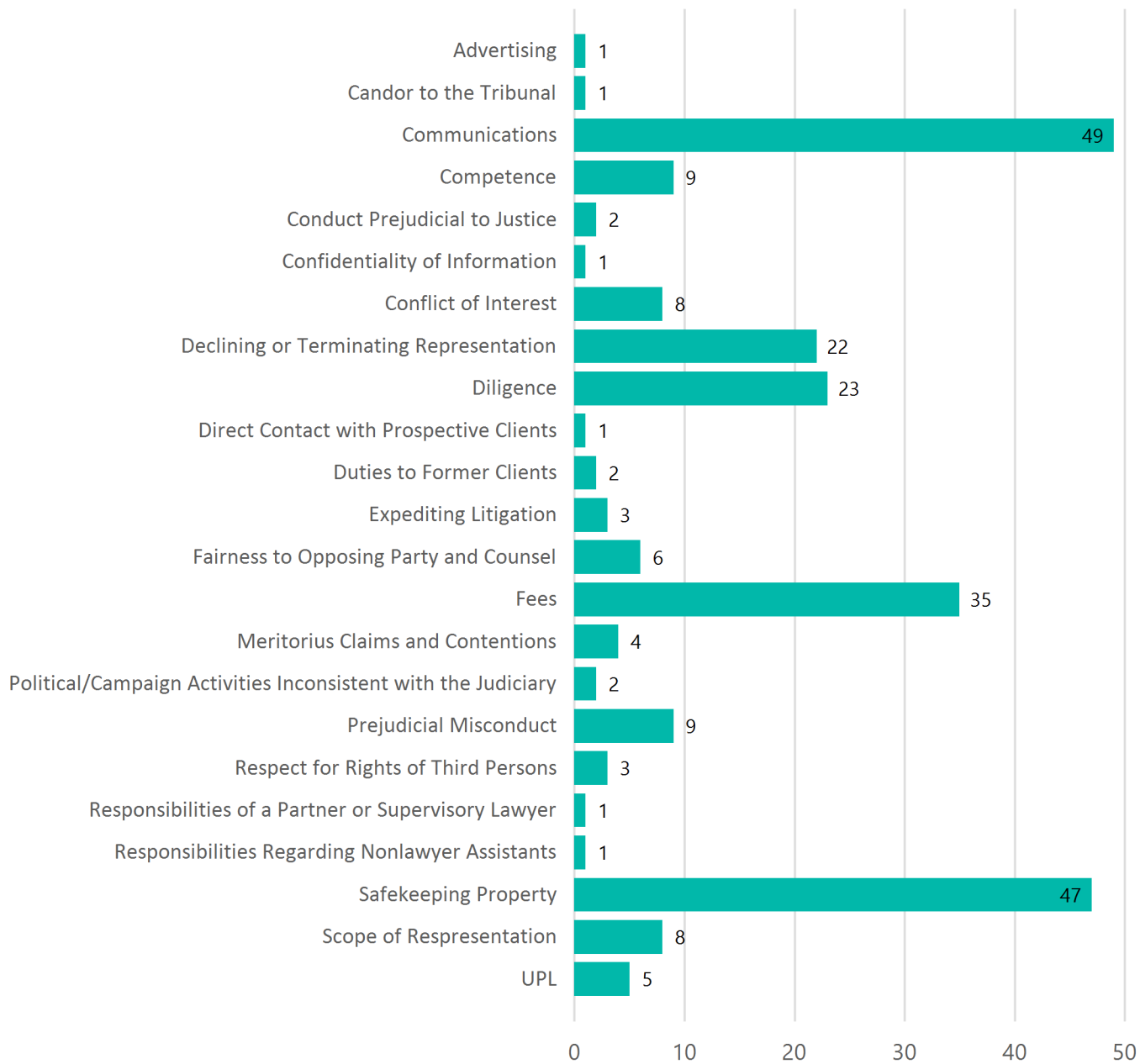
TABLE IV
File Openings, Closings and Year Old Files 2017-2021



	Dec. 2017	Dec. 2018	Dec. 2019	Dec. 2020	Dec. 2021
■ Total Open Files	517	509	482	442	479
■ Cases at Least One Year Old	149	145	119	125	122
■ Complaints Received YTD	1,110	1,107	1,003	930	946
■ Files Closed YTD	1,073	1,115	1,029	969	909

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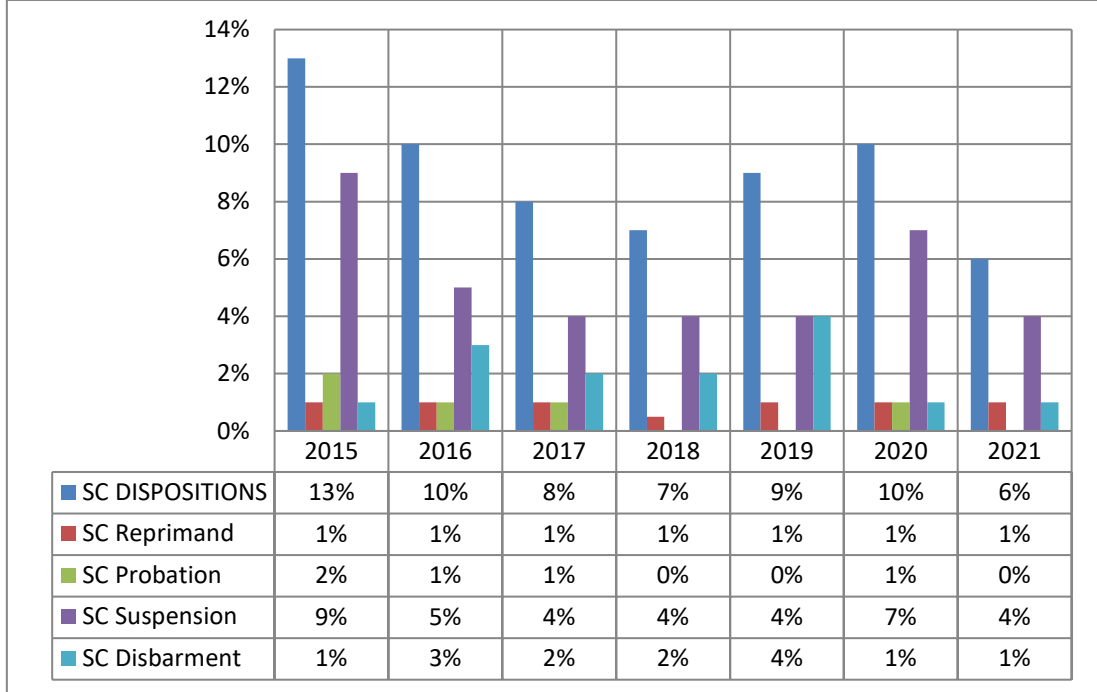
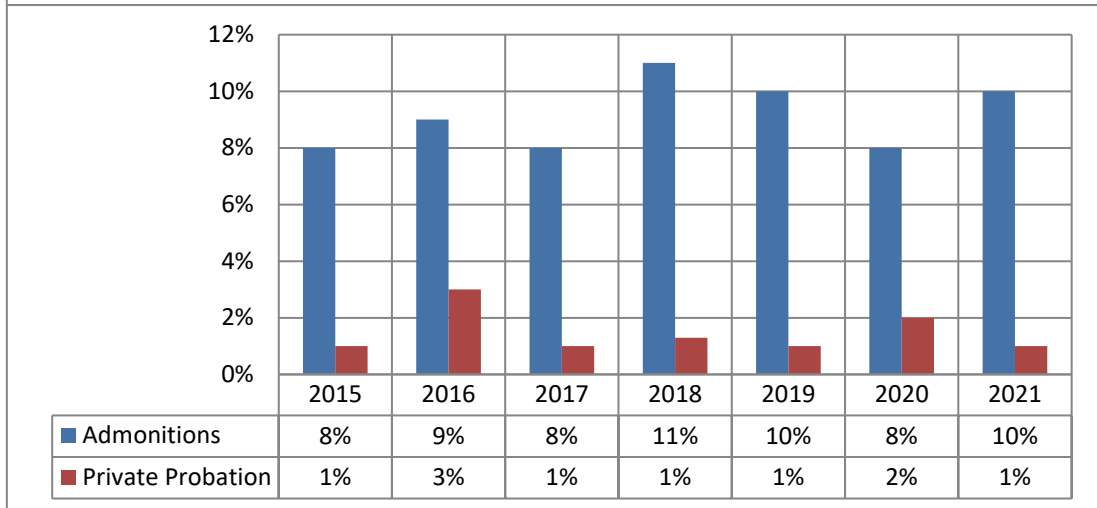
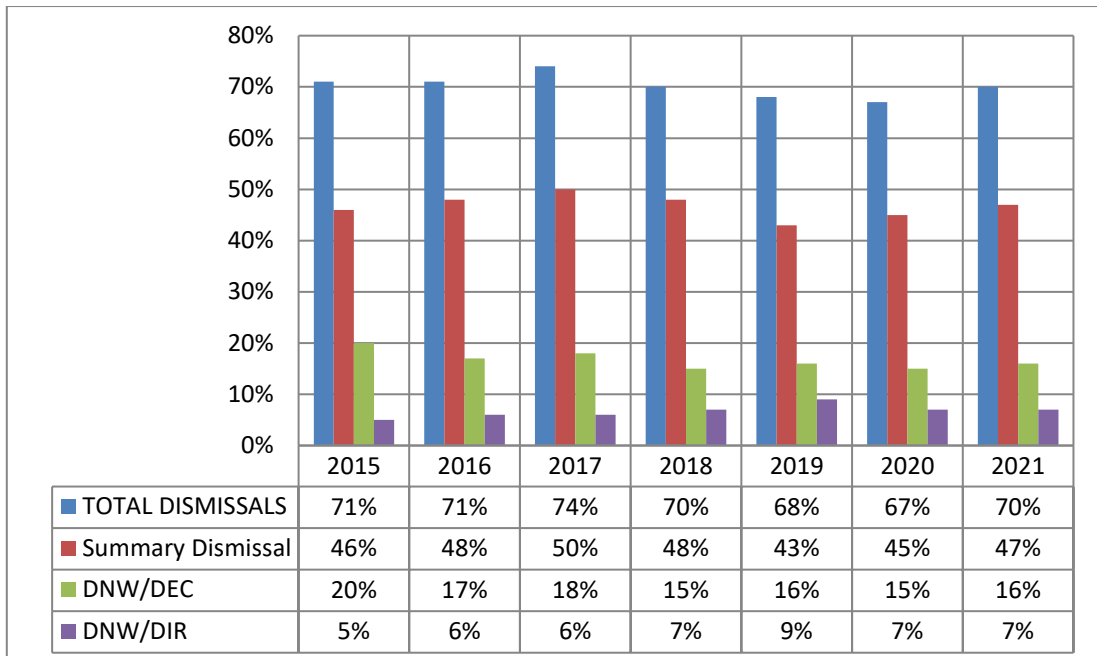
TABLE V: AREAS OF MISCONDUCT – ADMONITIONS 2021 *



* Between 1/1/2021 AND 12/31/2021, the Office issued 88 admonitions involving 243 rule violations.

This chart reflects the number of rule violations involved in those 88 admonitions, organized by area of misconduct.

TABLE VI
Percentage of Files Closed



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TABLE VII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2020

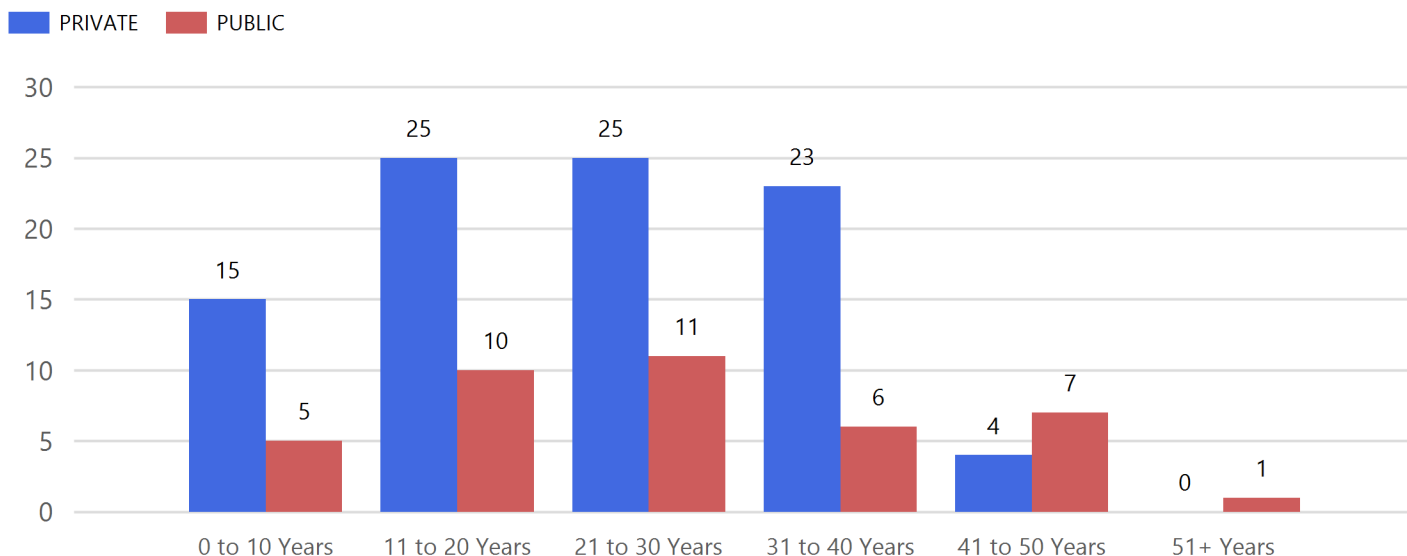


TABLE VII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2021

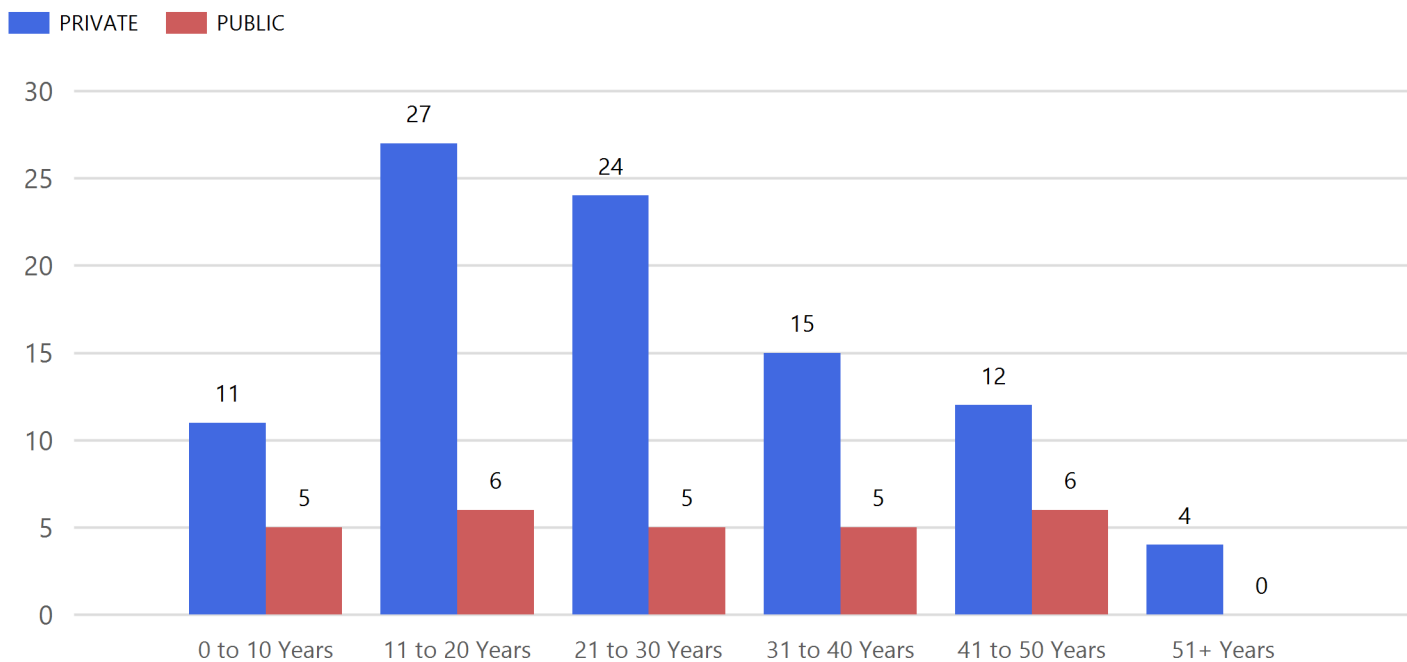
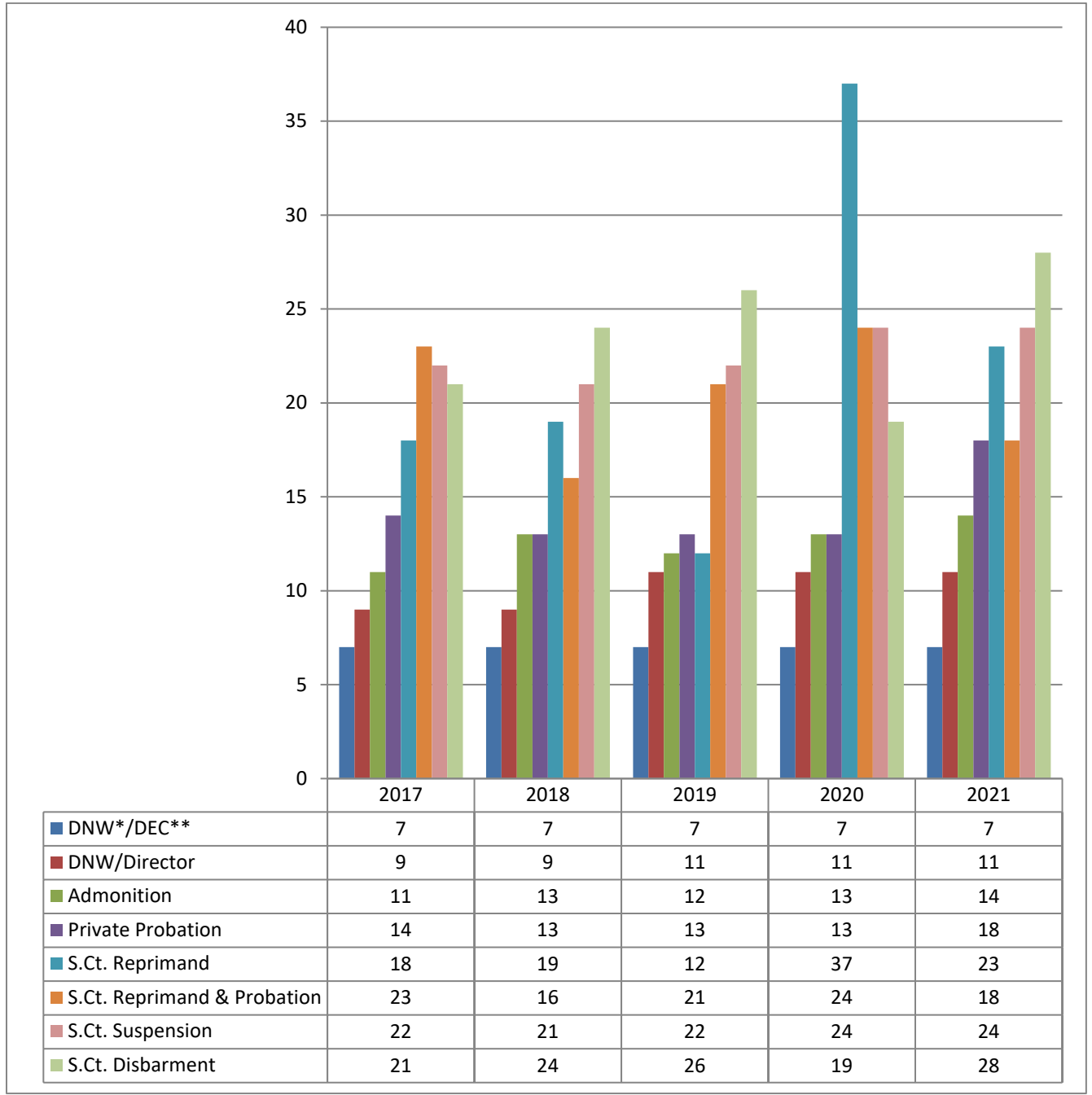


TABLE IX
Average Number of Months File was Open at Disposition



*Discipline Not Warranted

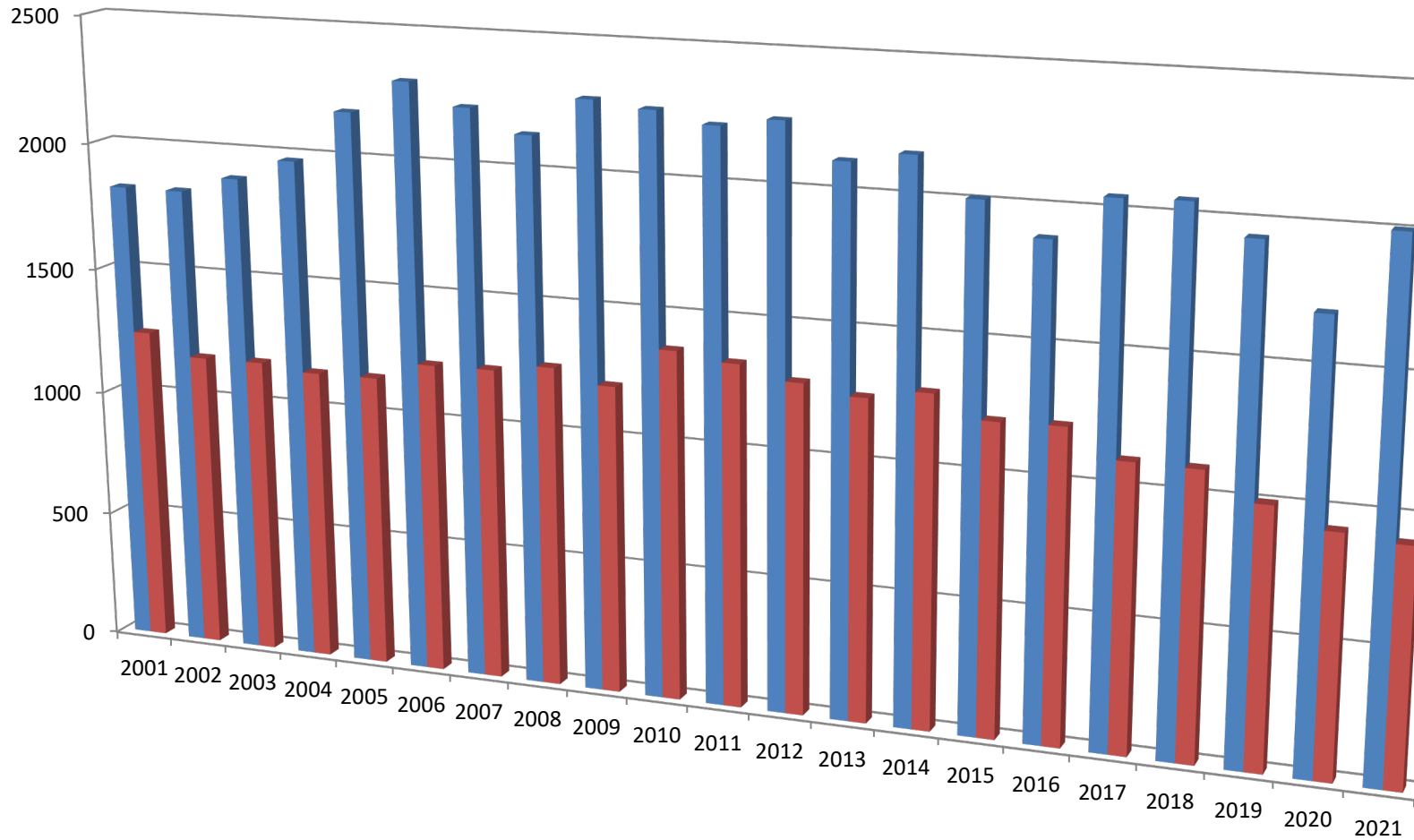
**District Ethics Committee (includes DEC Investigation files further investigated by the Director)

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TABLE X: PUBLIC DISCIPLINE DECISIONS 2021

Determination Year	Disbarments	Suspensions (all)	Reprimand and Probations	Reprimands	Year Total
1987	5	18	4	7	34
1988	4	21	7	5	37
1989	5	18	8	3	34
1990	8	27	9	10	54
1991	8	14	10	6	38
1992	7	17	7	5	36
1993	5	15	12	3	35
1994	8	5	7	0	20
1995	6	27	8	4	45
1996	4	27	5	0	36
1997	10	16	6	2	34
1998	15	18	10	2	45
1999	3	12	5	0	20
2000	6	19	10	2	37
2001	3	15	9	2	29
2002	4	18	6	1	29
2003	6	15	4	0	25
2004	5	10	3	1	19
2005	6	22	6	1	35
2006	8	26	10	5	49
2007	5	22	6	1	34
2008	4	18	13	2	37
2009	5	23	4	6	38
2010	7	9	7	3	26
2011	2	18	5	2	27
2012	6	26	8	1	41
2013	11	28	9	4	52
2014	6	22	6	5	39
2015	6	46	8	4	64
2016	6	27	4	6	43
2017	5	26	6	4	41
2018	8	23	8	6	45
2019	5	22	4	4	35
2020	3	24	5	1	33
2021	4	17	4	3	28
Total	209	711	243	111	1274

TABLE XI
Advisory Opinion Requests Received
and
Number of Complaints Opened
2001 – 2021



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
■ Advisory Opinions Received	1824	1825	1889	1974	2177	2307	2223	2135	2282	2258	2215	2249	2116	2156	2012	1888	2051	2057	1943	1700	2004
■ Complaints Opened	1246	1165	1168	1147	1150	1222	1226	1257	1206	1365	1337	1287	1253	1293	1210	1216	1110	1107	1003	930	909

TABLE XII
Advisory Opinions 1991-2021

YEAR	OPINIONS GIVEN BY TELEPHONE	OPINIONS GIVEN IN WRITING	TOTAL OPINIONS GIVEN	OPINIONS DECLINED	TOTAL
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 (89%)**	206 (11%)**	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 (1%)**	1691 (93%)	133 (7%)	1824
2002	1695 (93%)	15 (1%)**	1710 (94%)	115 (6%)	1825
2003	1758 (93%)	9 (0%)**	1767 (94%)	122 (6%)**	1889
2004	1840 (93%)	3 (0%)**	1843 (93%)	131 (7%)	1974
2005	2041 (94%)	1 (0%)**	2042 (94%)	135 (6%)	2177
2006	2119 (92%)	2 (0%)**	2121 (92%)	186 (8%)	2307
2007	2080 (94%)	2 (0%)**	2082 (94%)	141 (6%)	2223
2008	1982 (93%)	2 (0%)**	1984 (93%)	151 (7%)	2135
2009	2137 (94%)	1 (0%)**	2138 (94%)	144 (6%)	2282
2010	2134 (95%)	2 (0%)	2136 (95%)	122 (5%)	2258
2011	2080 (99%)	2 (0%)	2082 (94%)	133 (6%)	2215
2012	2137 (95%)**	4 (0%)	2141 (95%)	108 (5%)	2249
2013	1976 (93%)	3 (0%)	1979 (94%)	137 (6%)	2116
2014	2020 (94%)	1 (0%)	2021 (94%)	135 (6%)	2156
2015	1866 (93%)	3 (0%)	1869 (93%)	143 (7%)	2012
2016	1770 (94%)	2 (0%)	1772 (94%)	116 (6%)	1888
2017	1912 (93%)	1 (0%)	1913 (93%)	138 (7%)	2051
2018	1901 (92%)**	3 (0%)	1904 (93%)	153 (7%)	2057
2019	1850 (95%)	5 (0%)	1855 (95%)	88 (5%)	1943
2020	1623 (95%)	1 (0%)	1624 (96%)	76 (4%)	1700
2021	1915 (96%)	1 (0%)	1916 (96%)	88 (4%)	2004

* 2000 totals revised to reflect additional AOs that were not previously included.

** Percentage amount corrected.

Table XIII			
Advisory Opinions Subject Matter by Rule			
Rule	Description	2020	2021
1.1	Competence	22	60
1.2	Scope of Representation	57	97
1.3	Diligence	18	12
1.4	Communication	112	183
1.5	Fee Agreements and Fees - Generally	113	122
1.6	Client Confidentiality	297	337
1.7	Conflict of Interest - Generally	261	327
1.8	Conflict of Interest - Transactions	67	84
1.9	Conflict - Former Clients Generally	151	182
1.10	Imputed Disqualification - Generally	44	57
1.11	Government Lawyer Conflicts Generally	25	24
1.12	Former Judges & Law Clerks	8	10
1.13	Organization as Client	14	22
1.14	Disabled Client - Generally	42	39
1.15	Trust Accounts - Generally	196	165
1.16	Withdrawal from Representation	244	362
1.17	Sale or Termination of Law Practice	17	15
1.18	Prospective Clients	54	34
2.1	Advisor	0	1
2.4	Lawyer Serving as 3rd Party Neutral	1	0
3.1	Meritorius Claims	14	23
3.2	Expediting Litigation	0	2
3.3	Candor Toward the Tribunal	41	50
3.4	Fairness to Opposing Counsel	20	46
3.5	Contact with jurors or venire	6	2
3.6	Trial Publicity	0	3
3.7	Attorney as Witness	10	26
3.8	Special Prosecutor Duties	5	12
4.1	Candor to Others	13	17
4.2	Contact with Represented Party	74	77
4.3	Contact with Unrepresented Party	39	46
4.4	Respect for Third Persons' Rights	26	19
5.1	Supervisory Lawyers	4	7
5.2	Subordinate Lawyers	3	1
5.3	Non-Lawyer Employees	7	13
5.4	Professional Independence	18	12
5.5	Unauthorized Practice	63	82
5.6	Covenants Not to Compete	2	5
5.7	Responsibilities Regarding Law Related	9	5
5.8	Employment of Suspended Attorney	4	1
6.1	Voluntary Pro Bono	0	5
6.2	Accepting Appointments	0	2
6.3	Legal Services Organizations	0	2
6.5	Pro Bono Limited Legal Services Programs	1	3
7.1	Advertising Generally	30	37
7.2	Technical Requirements	17	27
7.3	Solicitation Generally	17	20
7.4	Specialization	2	2
7.5	Letterhead & Firm Name	23	23
8.1	Admission and Discipline	2	1
8.2	Legal Officials	4	2
8.3	Duty to Report Attorney Misconduct	59	93
8.4	Misconduct	43	74
99	Dormant File Procedures	107	111
	Totals	2406	2984

OLPR SUMMARY OF PUBLIC MATTERS DECIDED

DETERMINATION DATES BETWEEN: 1/1/2021 AND 12/31/2021

39 DECISIONS INVOLVING 64 FILES

Supreme Court Disbarment	4 ATTORNEYS	5 FILES
BLOMQUIST, BARRY L	A19-1461	1
KLEYMAN, HOWARD S	A20-1304	2
SCHUTZ, NICHOLAS B	A21-0046	1
SUTOR, WILLIAM K	A20-1240	1
Supreme Court Suspension	17 ATTORNEYS	40 FILES
BUTLER, WILLIAM B	A20-0918	2
ESSIEN, MICHAEL A	A21-0018	3
FRANK, L W	A21-0351	2
GUNTHER, THOMAS H	A21-0989	1
KENNARD, ALFONSO	A20-1247	1
KOOTZ, KIP W	A21-0352	2
LOHSE, DAVID J	A17-1941	3
MACDONALD, MICHELLE L	A20-0473	3
MAGNUS, RYAN B	A20-1649	4
MCCLOUD, SAMUEL A	A20-0089	1
MULLIGAN, D G	A19-1932	1
RUFFENACH, MICHAEL R	A20-1081	3
SWANSON, RICHARD L	A20-1027	2
THAO, NOM FUE	A20-1501	2
THOMPSON, MARCEL L	A20-0776	1
TROST, DANIEL R	A21-0783	1
VANMEVEREN, BRIAN S	A20-1484	8
Supreme Court Reprimand/Probation	4 ATTORNEYS	5 FILES
KRAKER, DAVID L	A21-0003	1
LARSON, JANE J	A21-0928	1
LO, SIA	A20-1652	2
SIEGEL, BROOKS R	A21-0600	1

Supreme Court Reprimand	3 ATTORNEYS	3 FILES
BIERSDORF, DANIEL J	A20-0875	1
FOSTER, CARMEANN D	A20-1552	1
HALE, LEILA L	A21-0651	1
Supreme Court Disability Status	1 ATTORNEYS	1 FILES
CUMMISKEY, DAVID R	A21-0137	1
Reinstated	2 ATTORNEYS	2 FILES
BRADEN, ALEX F	A20-1631	1
NASTROM, KARL S	A20-0926	1
Reinstatement/Probation	6 ATTORNEYS	6 FILES
BOSSE, RICHARD E	A19-0595	1
KOOTZ, KIP W	A21-0352	1
LONDON, JOSHUA S	A20-1436	1
ONYEMEH SEA, BOBBY G	A20-0147	1
UPIN, JEFFREY D	A19-1104	1
VANMEVEREN, BRIAN S	A20-1484	1
Reinstatement Denied	2 ATTORNEYS	2 FILES
TIGUE, RANDALL D	A19-1603	1
VAN SICKLE, DAVID M	A20-0577	1

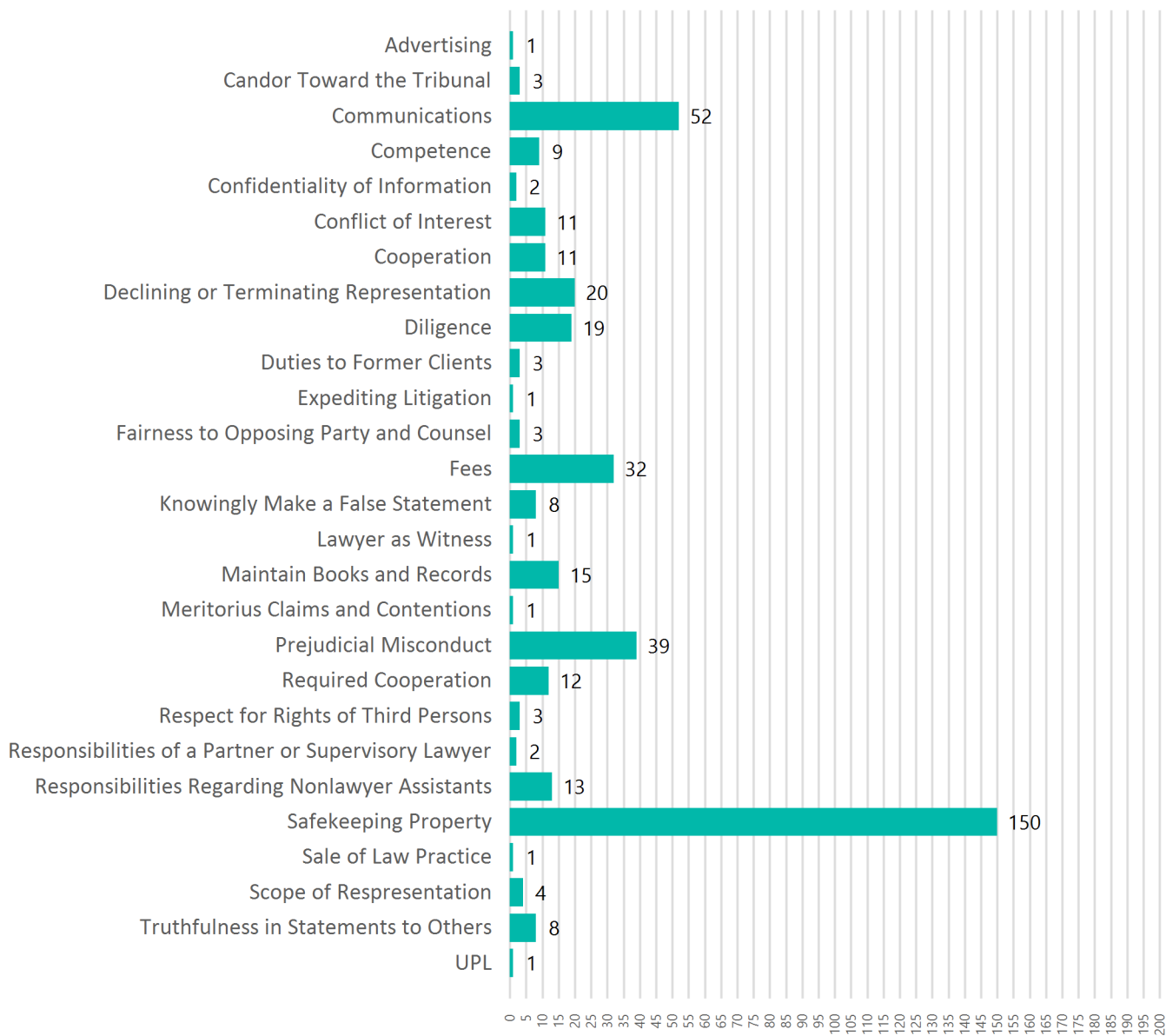
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PROBATION STATISTICS

	Files	Total
TOTAL PROBATION FILES OPEN DURING 2021		
PUBLIC SUPERVISED PROBATION FILES - 36%	29	
PUBLIC UNSUPERVISED PROBATION FILES - 19%	15	
PUBLIC PROBATION FILES TOTAL - 55%		44
PRIVATE SUPERVISED PROBATION FILES - 17%	14	
PRIVATE UNSUPERVISED PROBATION FILES - 28%	23	
PRIVATE PROBATION FILES TOTAL - 45%		37
TOTAL PROBATION FILES OPEN DURING 2021		81
TOTAL PROBATION FILES		
Total Open Probation Files as of 1/1/2021		62
Total Probation Files Opened in 2021		19
Total Probation Files Closed in 2021		-24
Total Open Probation Files as of 12/31/2021		57
TOTAL PROBATION FILES OPENED IN 2021		
PUBLIC SUPERVISED PROBATION FILES	8	
PUBLIC UNSUPERVISED PROBATION FILES	3	
PUBLIC PROBATION FILES TOTAL		11
PRIVATE SUPERVISED PROBATION FILES	2	
PRIVATE UNSUPERVISED PROBATION FILES	6	
PRIVATE PROBATION FILES TOTAL		8
TOTAL PROBATION FILES OPENED DURING 2021		19

ANNUAL REPORT

PROBATION AREAS OF MISCONDUCT - 2021



* Between 1/1/2021 AND 12/31/2021, there were 81 probations involving 425 rule violations.

This chart reflects the number of rule violations involved in those 81 probations, organized by area of misconduct.

**Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2021 – June 2022**

Date	Topic	Location	Organization	Initials
7/20/21	Ethics for Employment Lawyers – 6 Ethics Hot Topics and How to Approach Them	Webcast	Minnesota CLE	SMH
7/27/21	Ethics of Virtual Law Practice ABA Formal Opinion 498	Zoom	West Metro CLE	BTT KKC
8/4/21	2020 in Review: An Update on Ethics	Hibbing	Twentieth District Ethics Committee	NSF
8/5/21	How to Prosecute Bad Behavior on Social Media	Zoom	NOBC	JSB
8/25/21	Criminal Justice Institute: Safekeeping Property, Funds and Files	Webcast	Minnesota CLE	SMH
9/15/21	Trust Accounts & Financial Records (& Where It All Goes Wrong)	Zoom	Washington County Law Library	JHB
9/17/21	Professional Responsibility Seminar	Minneapolis	Office of Lawyers Professional Responsibility	SMH JSB KKC BTT
9/29/21	Ethical Issues in Remote Practice	Zoom	Minnesota State Bar Association	KKC
10/5/21	Ethics Issues in Labor and Employment Practice	Zoom	Minnesota CLE	JSB
10/12/21	Ethics: How Consumer Bankruptcy Attorneys Can Avoid Ethics Complaints	Webinar	Minnesota CLE	SMH
10/26/21	Advising Clients with Dementia and Other Memory Impairments	Webinar	Minnesota CLE	KKC
11/4/21	PR Issues for the PR's Counsel	Zoom	Ramsey County Bar Association	KKC
11/17/21	Employment A to Z: Common Ethical Pitfalls for Employment Lawyers and How to Avoid Them	Webcast	Minnesota CLE	SMH
11/18/21	Misdemeanor Defense Project and Ethical Considerations	Zoom	Ramsey County Bar Association	KKC JDP
11/19/21	Ethics for Government Lawyers	Webcast	Minnesota State Bar Association	JHB
12/3/21	5 Ethics Tips From the Office of Lawyers Professional Responsibility	Zoom	Minnesota CLE	KKC
12/7/21	Ethics for Practitioners During COVID-19	Webinar	Minnesota State Bar Association	KKC PV
12/8/21	Ethics for Paralegals	Zoom	Minnesota Paralegal Association	KKC PKL
12/17/21	Advanced Contract Issues for In-House Counsel	Zoom	Minnesota CLE	SMH

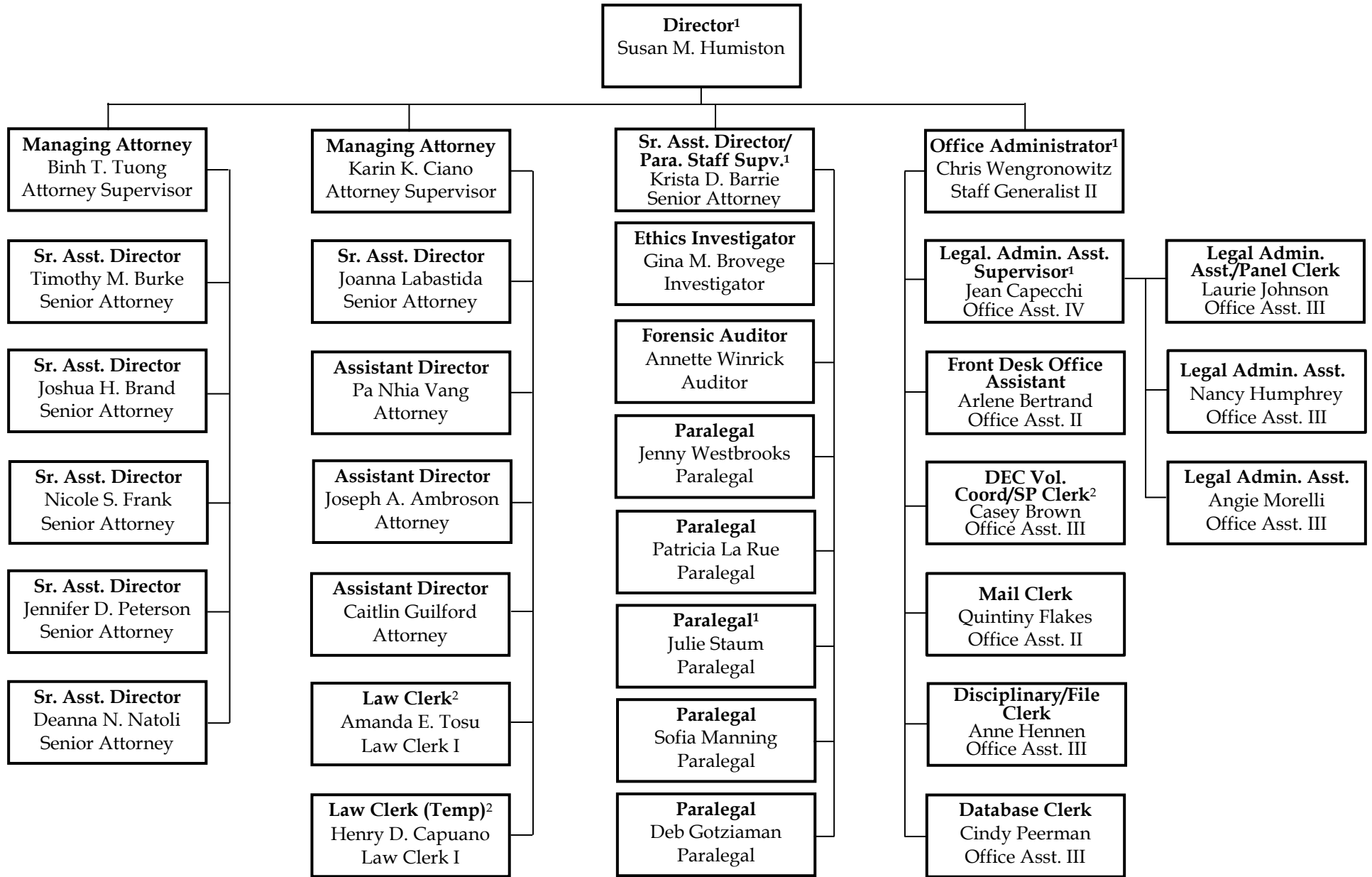
**Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2021 – June 2022**

1/12/22	Counselor-at-Law: Ethical Considerations for Lawyers Whose Clients Have Increased Stress and Mental Health Challenges	Online	Anoka County Bar Association	NSF JAA
1/13/22	The 2022 New Lawyer Experience	Online	Minnesota CLE	KKC
1/13/22	Estate Planning for the Estate Planning Attorney: Solo and Small Firm Succession Stories and Strategies.	Zoom	Ramsey County Bar Association	BTT
1/20/22	Misdemeanor Defense Project and Ethical Considerations	Zoom	Ramsey County Bar Association	KKC JDP
1/22/22	Ethics FY22 Minnesota USAR-MNNG CLE	Arden Hills	Minnesota National Guard	JHB
2/7/22	Common Issues in Attorney Discipline Matters	Zoom	University of St. Thomas School of Law – Mentorship Class	NSF
2/10/22	Ethical and PR Issues for Public Defenders	Webinar	Hennepin County Public Defender’s Office	SMH JDP
2/10/22	The Lawyer Discipline System, the Work of the Office of Lawyers Professional Responsibility and Volunteer Opportunities	St. Paul	St. Paul Sunrise Rotary Club	KKC
2/11/22	Ethics & COVID	Zoom	Dakota County Law Clerks	DNN JHB
2/15/22	Unbundled Law Presentation	Zoom	Minnesota State Bar Association	KKC
2/17/22	Family Law Institute Rule 1.4 and Public Record Access	Zoom	Minnesota CLE	SMH
3/1 or 3/2/22	Professional Responsibility in Real Estate Matters	Zoom	Minnesota CLE	BTT
3/4/22	Attracting and Retaining Clients and Ethics Considerations	Minneapolis	African Diaspora Attorneys in Minnesota	SMH
3/7/22	Ethics and the Office of Lawyers Professional Responsibility	Live Online	Roseville Rotary Club	JHB
3/15/22	Proposed Changes to the Rules of Ethics, and Other Developments Every Attorney Needs to Know	Zoom	Minnesota CLE	SMH
3/29/22	Litigating Probate & Trusts Disputes in 2022 – Let’s Get Technical!	Live Online	Minnesota CLE	KKC
4/15/22	Year in Review	Zoom	Hennepin County Law Library	BTT

**Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2021 – June 2022**

5/11/22	How to Avoid Ethics Complaints – Keeping the Fundamentals in Mind	In Person--MPLS	Minnesota CLE	SMH
5/11/22	A Year in Review: Update on Attorney Discipline Matters	Minneapolis	Minnesota CLE	BTT JDP
5/13/22	DEC Chairs Symposium	Zoom	OLPR	SMH TMB BTT JHB NSF KKC
5/18/22	Ethics and Technology	Zoom	Minnesota State Bar Association	BTT
5/26/22	Professional Separation: Ethical Perspectives on Helping Clients Without Taking on Their Problems	Zoom	Legal Aid of Olmsted County	SMH JAA
6/7/22	Understanding Minnesota Appellate Practice and Procedure Series: Ethical Issues in Appellate Practice	Webcast	Minnesota CLE	KKC
6/14/22	Ethics: Advising Clients with Dementia and Other Memory Impairments	Online	Minnesota CLE	KKC
6/14/22	Succession Planning for Solo Attorneys	Live Online	Minnesota CLE	BTT
6/20/22	How to Start and Build Your Law Practice: A Guide to New Beginnings in the New Normal	Minneapolis	Minnesota CLE	KKC

Office of Lawyers Professional Responsibility FY22 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

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Announcements

[Amended 2022 Meeting Dates of the Lawyers Professional Responsibility Board](#)

[Court Announces Public Member Vacancy on Client Security Board](#)

[OLPR Courtroom COVID-19 Procedures](#)

[Clifford Greene and Jordan Hart Appointed to Lawyers Board](#)

[Save the Date - September 23, 2022, Lawyers Professional Responsibility Seminar](#)

[Frequently Asked Ethics Questions Regarding a Public Defender Strike](#)

[2021 LPRB OLPR Seminar Available on-Demand](#)

[Congratulations to Allan Witz 2021 Volunteer of the Year](#)

[COVID FAQs](#)

[Court Amends Rules 4 and 5, Rules on Lawyers Professional Responsibility, effective July 14, 2021](#)

What's New

["PRIVATE DISCIPLINE in 2021," MN Bench and Bar, April 2022](#)

["ABA Opinion 500 takes on language access in the client-lawyer relationship," MN Bench and Bar, March 2022](#)

["PUBLIC DISCIPLINE in 2021," MN Bench and Bar, January/February 2022](#)

["Potential ethics rule changes," MN Bench and Bar, December 2021](#)

["Lawyer neutrals and other people's money," MN Bench and Bar, November 2021](#)

["Trust account overdrafts: what you need to know," MN Bench and Bar, October 2021](#)

["Pandemic legal ethics, part 2," MN Bench and Bar, September 2021](#)

["Lawyer Well-Being: Prescribing sleep \(Part 2\), Minnesota Lawyer, March 2019](#)

[Lawyer Well-Being: Sleep - an amazing breakthrough for lawyers," Minnesota Lawyer, March 2019](#)

Quick Links

[FILE A COMPLAINT](#)

[LAWYER SEARCH](#)

Legal References

[MN RULES OF PROFESSIONAL CONDUCT](#)

[FOR LAWYERS ONLY: ADVISORY OPINIONS](#)

[Professional Responsibility Seminar](#)

[Trust Accounts](#)

[Professional Firms](#)

[Resignations](#)

[LPRB Opinions](#)

[Disciplinary History Request](#)

[Proposed and Pending Rules & Opinions](#)

Contact

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1-800-627-3529

Resources

[MN Client Security Board](#)
[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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