

LAWYERS PROFESSIONAL RESPONSIBILITY SEMINAR 2021

Friday, September 17, 2021

Earle Brown Heritage Center, 6155 Earle Brown Drive
Minneapolis, MN 55430 and Via Webinar

Seminar Agenda

- 8:00 – 8:55 *Registration and Breakfast (provided if in person)*
- 8:55 – 9:00 **Welcome**
Susan Humiston, Director, Office of Lawyers Professional Responsibility
Jeanette Boerner, Chair, Lawyers Professional Responsibility Board
- 9:00 - 10:00 **Redemption: Reinstatement - The Other Side of Lawyer Regulation**
Joan Bibelhausen, Executive Director, Lawyers Concerned for Lawyers, Jennifer Bovitz, Managing Attorney, Richard Sand, Reinstated Attorney, Dan Kufus, Attorney. This moderated panel discussion will include perspectives on the reinstatement process and standards from a reinstated lawyer following disbarment, his counsel, and Director’s Office counsel.
- 10:00 - 11:00 **The Racial Equity Impact Tool - A Framework for Decision-Making Aimed at Reducing Racial Inequities and Advancing Equity**
Chela Guzmán-Wiegert, Henn. Co. Assistant County Administrator, Disparity Reduction. This session will explore the Hennepin County Racial Equity Impact Tool (REIT) and how its use guides us to proactively consider our most marginalized members of the community and refine practices, procedures, and policies to produce more equitable outcomes.
- Hennepin County’s REIT is based on work from the Government Alliance on Race and Equity, a national network of government jurisdictions committed to racial equity. The REIT is a set of questions designed to integrate explicit consideration of racial equity in the decisions we make. Use of the REIT will provide a systematic way to engage the voices of those affected by decisions, surface unintended consequences of decisions before they are made, and reveal a wider range of options for policy choices.
- 11:00 – 11:15 *Break*
- 11:15 - 12:00 **Update from the Minnesota Supreme Court**
Honorable Natalie Hudson, Associate Justice, Minnesota Supreme Court
This session will highlight recent discipline decisions and rule changes of significance over the past year, and will discuss the role of the liaison justice in the disciplinary system.

12:00 – 12:10 **Resource Quick Hit**

Joan Bibelhausen, Executive Director, Lawyers Concerned for Lawyers

This quick hit presentation will highlight how each of the above sessions relate to attorney well-being or the lack thereof, including a discussion on available resources and initiatives.

12:10 – 12:15 **Volunteer of the Year Award**

Honorable Natalie Hudson, Associate Justice, Minnesota Supreme Court

12:15 – 1:15 *Lunch (provided if in person)*

1:15 - 2:15 **When the Office Departs**

Karin K. Ciano, Senior Assistant Director. This session will explore some reasons why the OLPR may depart from DEC recommendations using examples from departures that occurred over the last year. This session will also cover frequently asked questions relating to options that investigators and committees have for recommendations following investigations, advice on how to handle “technical” violations and when misconduct crosses the line into public discipline.

2:15 - 3:00 **Commonly Misunderstood or Misapplied Rules**

Binh T. Tuong, Managing Attorney. As a follow-up to the previous session on when the Director departs, this session will take a deeper dive into the rules that are often misunderstood and misapplied. The discussion will focus on some of the most commonly misapplied rules and explore how the Director’s Office analyzes and applies these rules.

Speaker Biographies:

Jeanette Boerner: Jeanette Boerner is the Chair of the Lawyers Professional Responsibility Board. She is currently the Director of Hennepin County Adult Representation Services, which provides legal representation to parents and custodians in Child Protection cases, non-custodial parents in Child Support contempt cases and tenants in eviction proceedings. Prior to that role she served as the First Assistant Hennepin County Public Defender. Jeanette is the Chair of the Supreme Court Children's Justice Initiative Parent Representation Committee. System reform, disparity reduction and high-quality representation for clients experiencing poverty have been the focus of her policy work with stakeholders across the state.

Chela Guzmán-Wiegert: Chela Guzmán-Wiegert was recently appointed as the Assistant Hennepin County Administrator for Disparity Reduction. This position is responsible for the strategic coordination and management of the county's disparity reduction efforts and has executive accountability for the county's Diversity, Equity and Inclusion Department; the Center for Innovation and Excellence; Purchasing and Contract Services Department; Education Support Services, and the Office of Broadband and Digital Inclusion.

Guzmán-Wiegert has been with Hennepin County for nearly 25 years, starting as a law clerk in the Public Defender's Office in 1996. She was promoted to assistant public defender in 1999, senior attorney in 2014, and managing attorney in 2017. As a managing attorney, Guzmán-Wiegert supervised the Public Defender's Adult Trial Division and managed the Immigration Team. In 2020, she served on the county's COVID-19 Response Disparity Reduction Unit, offering real-time advice and consulting support to the county's pandemic response, and promoting immediate action as disparities arose or worsened.

Guzmán-Wiegert received her Juris Doctorate from the University of Wisconsin Law School – Madison and is a member of the bar in both Minnesota and Wisconsin.

Jennifer Bovitz: Jennifer Bovitz joined the Office of Lawyers Professional Responsibility in 2017 as a Senior Assistant Director and is currently serving as a Managing Attorney. Jennifer earned her J.D. from William Mitchell College of Law in 2001 and served as a felony prosecutor prior to her employment at the OLPR. Jennifer serves as adjunct faculty at Mitchell Hamline College of Law and enjoys her time away from the law kayaking on a western Wisconsin lake.

Richard Sand: Dick Sand is a lifelong Minnesota resident. He grew up in the White Bear Lake community, attended White Bear Lake public schools, graduated from the University of St. Thomas and Hamline University School of Law. He served for 32 years on the White Bear Town Board.

Dick has practiced law for over 30 years, mostly in the area of criminal defense. He served on a variety of boards and commissions, including the Minnesota Judicial Merit Advisory Committee and the Minnesota Municipal Board.

In 2012, Dick was disbarred as a result of fraud convictions in United States District Court. He served 14 months at the federal prison camp in Duluth, Minnesota, six months in a halfway house and on house arrest, and three years of supervised release. He completed inpatient and outpatient chemical dependency treatment during that time. After completing the requirements for the reinstatement process, Dick was reinstated to the practice of law in 2020 by the Minnesota Supreme Court. He is now an attorney for SandLaw PLLC and volunteers for Lawyers Concerned for Lawyers and its Discipline and Practice (DAP) Group. Married for 39 years and the father of four, Dick also volunteers for the White Bear Lake Area Historical Society and community baseball.

Dan Kufus: Dan Kufus is an attorney practicing in Roseville, Minnesota. Dan practices in the areas of probate, mental health and estate planning. Additionally, Dan represents attorneys in professional discipline matters.

Justice Natalie Hudson: Justice Natalie Hudson joined the Minnesota Supreme Court in 2015 by appointment of Governor Mark Dayton. She was elected in 2016 and her current term expires January 2023. Justice Hudson served on the Minnesota Court of Appeals from 2002-2015.

Justice Hudson was a staff attorney with Southern Minnesota Regional Legal Services (1982-1986); an associate attorney at Robins, Kaplan, Miller, and Ciresi (1986-1988); Assistant Dean of Students at Hamline University School of Law (1989-1992); St. Paul City Attorney (1992-1994); and an Assistant Attorney General at the Office of Minnesota Attorney General, Criminal Appellate Division (1994-2002).

Justice Hudson received her B.A. from Arizona State University and her J.D. from the University of Minnesota Law School.

Justice Hudson is a member of American Bar Association, Minnesota State Bar Association, Ramsey County Bar Association, Minnesota Women Lawyers, Minnesota Association of Black Lawyers, Minnesota Association of Black Women Lawyers, and Warren E. Burger Inn of Court. She also serves on the Board of Advisors for the University of Minnesota Law School.

Joan Bibelhausen: Joan Bibelhausen has served as Executive Director of Lawyers Concerned for Lawyers since 2005. She is an attorney and is nationally recognized for her work in the lawyer assistance and diversity and inclusion realms. Joan has significant additional training in counseling, mental health and addiction, diversity, employment issues, and management. She has spent more than two decades working

with lawyers, judges, and law students at a crossroads because of mental illness and addiction concerns and well-being, stress, and related issues.

Joan coauthored “Stress and Resiliency in the US Judiciary” for the ABA 2020 Journal of the Professional Lawyer, “Reducing the Stigma – William Mitchell College of Law – Spring 2015,” published in the Mitchell Hamline Law Review (Vol. 41, Issue 3), and frequently writes for Minnesota and national bar publications. Minnesota Lawyer recognized her with a 2017 Diversity and Inclusion Award for her work regarding implicit bias and mental health in the legal profession.

Susan M. Humiston: Susan Humiston is the Director of the Office of Lawyers Professional Responsibility and Client Security Board in Minnesota. Susan has more than 25 years of litigation experience, as well as a strong ethics and compliance background. Prior to her appointment as Director in 2016, Susan was Vice President and Assistant General Counsel for Alliant Techsystems Inc. and its public company spin-off, Vista Outdoor Inc., and was a litigation partner at Leonard, Street and Deinard, now Stinson LLP. She clerked for U.S. District Court Judge David S. Doty, is an honors graduate of the University of Iowa College of Law, and received her B.A. with honors from the University of Nebraska-Lincoln.

Binh T. Tuong: Binh Tuong is a Managing Attorney at the Office of Lawyers Professional Responsibility, joining the OLPR in June 2014. Ms. Tuong received her law degree from the University of Minnesota Law School in 1999. Prior to joining the OLPR, Ms. Tuong was an assistant attorney general in the Charities Division at the Minnesota Attorney General’s Office where she enforced nonprofit and charities law on behalf of the state for ten years. Ms. Tuong’s work at the Attorney General’s Office included the healthcare audits that resulted in statewide hospital agreements addressing collection practices, charity care and discounts for the uninsured. Prior to the Attorney General’s Office, Ms. Tuong worked for a Twin Cities law firm practicing in the area of business litigation and employment law.

Karin K. Ciano: Before joining the OLPR in February 2021, Karin Ciano volunteered as an investigator for the Fourth District Ethics Committee. Karin has practiced law for nearly 25 years as a solo and small-firm lawyer, a big-firm associate, and a federal career clerk. She teaches the Solo Practice Residency at Mitchell Hamline School of Law and serves on the board of LegalWise, a nonprofit solo-practice incubator affiliated with Mitchell Hamline. She is the incoming President of the Saint Paul Sunrise Rotary Club.

A notorious legal writing nerd, Karin has taught legal writing and drafting courses at three law schools, has presented CLEs for many groups, and for several years wrote Minnesota Lawyer’s “Legal Writing Notebook” column. When not thinking about legal ethics, Karin enjoys biking, gardening, and pickling vegetables. She looks forward to the day when she can sing in a choir again.