

LAWYERS PROFESSIONAL RESPONSIBILITY SEMINAR 2022
Friday, September 23, 2022

Wilder Center & Webinar
451 Lexington Parkway North
St. Paul, MN 55104

Seminar Agenda

- 8:30-9:00 *Registration and Breakfast (provided); Webinar Opens*
- 9:00-10:00 **Acknowledging and Challenging Implicit Bias in Decision-Making**
Honorable JaPaul Harris, Ramsey County District Court Judge
- 10:00-11:00 **Drafting a High-Quality Investigative Report and Other Legal Writing Tips**
Karin Ciano, Managing Attorney, OLPR
- 11:00-11:15 *Break*
- 11:15-11:30 **Well-Being Tips and Signs a Lawyer is Not Well**
Joan Bibelhausen, Executive Director, Lawyers Concerned for Lawyers
- 11:30-12:10 **Year in Review: Key Supreme Court Discipline Cases**
Honorable Natalie E. Hudson, Associate Justice, Minnesota Supreme Court
- 12:10-12:15 **Presentation of Volunteer of the Year Award**
Honorable Natalie E. Hudson, Associate Justice, Minnesota Supreme Court
- 12:15-1:00 *Box Lunch (provided for in-person)*
- 1:00-2:00 **LPRB Perspectives on DEC Investigations**
Susan Rhode, Ginny Klevorn, and Bruce Williams, LPRB Members
- 2:00-3:00 **When We Depart**
Joanna Labastida, Senior Assistant Director, OLPR

Session Descriptions:

Acknowledging and Challenging Implicit Bias in Decision-Making: The Minnesota Judicial Branch's Committee for Equality and Justice has adopted a jury instruction and bench card on implicit bias. Judge Harris was instrumental in this work and will bring his experience and insights on this topic to this important session. No matter how unbiased we believe we are, our brains are hard-wired to make unconscious decisions. Unconscious or implicit bias can affect our thoughts, how we remember, what we see or hear, whom we believe or disbelieve, and how we make important decisions. This session will look at the role of implicit bias in decision-making and provide guidance on how to address it and adopt an anti-racist mindset through, among other tactics, being self-aware, acting consistently and deliberately and creating processes that check biases.

Drafting a High-Quality Investigative Report and Other Legal Writing Tips: The primary work product of the district ethics committee is a written report. What does the Office look for in a written report? Why is there a separate memorandum attached to the report? What advice exists for making the report useful to all those who use it? Legal writing is also its own category of writing, and not all volunteers are lawyers or write legal memoranda frequently. This session will cover tips for producing high-quality investigative reports, as well as advice on how to elevate your writing from a speaker who is a former districts ethics committee volunteer as well as someone who speaks and writes frequently on the topic of writing.

Well-Being Tips and Signs a Lawyer is Not Well: The law in general and ethics investigations in particular can be stressful. Ethics complaints are also some of the first signs that things are not well for a practicing lawyer. This well-being "quick hit" session will provide tips for us all in handling, maintaining and prioritizing our own well-being, as well as advice for spotting and making referrals as warranted when individuals are struggling.

Year in Review: Key Supreme Court Discipline Cases: The Minnesota Supreme Court has original jurisdiction over attorney discipline cases and issues a significant number of public discipline decisions each year. This session, presented by LPRB and OLPR liaison justice, Natalie E. Hudson, will highlight some of the key cases the Court addressed during the last year, and will also cover other items and happenings of note relevant to Minnesota's disciplinary system.

LPRB Perspectives on DEC Investigations: Complainants may appeal discipline dismissals or admonitions, which appeals are assigned to individual Board members for consideration. Many Board members are also former district ethics committee volunteers. This session, presented by experienced Board members and former DEC

volunteers, will explain this appeal process—as well as the process for appealing available to lawyers—and will provide advice for investigators from the perspective of experienced, reviewing Board members.

When We Depart: District ethics committee recommendations are carefully reviewed and considered by OLPR attorneys, and we follow the recommendations in approximately 80%-85% of investigations. What about the other 15-20%? This ever popular session will explore specific situations (anonymized) where the Office departed from DEC recommendations, exploring the various reasons for departure and will include suggestions and lessons for both new and more experienced ethics investigators.

Speaker Biographies:

Judge JaPaul Harris: Judge JaPaul J. Harris was appointed to the Second Judicial District in Ramsey County by Governor Mark Dayton in 2018. Judge Harris is currently the presiding judge in the juvenile and family division for the 2nd Judicial District. Judge Harris is the chair of the Youth Justice Transformation Initiative (formerly JDAI), and chair of the Ramsey County Pretrial Justice committee. Judge Harris is a member of the Minnesota Supreme Court Committee for Equality and Justice (CEJ), serving as chair of its diversity and education committee. In this role, Judge Harris developed and implemented an implicit bias jury instruction that is now included in the Minnesota pattern jury instructions in the Minnesota Practice series. In addition, in 2019, Judge Harris spearheaded an effort to review the Minnesota Racial Bias Taskforce report to determine what we have accomplished and what more we need to accomplish. This work has helped the Minnesota judiciary identify areas for improvement and continued work. Judge Harris is a member of the Minnesota Supreme Court strategic planning committee, a Judicial Trial Skills instructor, co-chair of the Minnesota District Judges Association education committee, a mentor judge, serves as an adjunct professor at Mitchell Hamline College of Law and the University of St. Thomas School of Law (beginning spring 2023). Judge Harris has written numerous articles, participated in numerous presentations, trainings, and CLEs on various legal issues. Judge Harris served as a judicial referee in Hennepin County, presiding over housing, harassment, juvenile, and mental health civil commitment courts. He was supervising attorney of the Senior Law Project at the Legal Aid Society of Minneapolis, worked at Minneapolis Public Schools, and was a staff attorney at Southern Minnesota Regional Legal Services in its Housing Equality Law Project. Judge Harris is a 2000 graduate of Syracuse University and 2003 graduate of Hamline University School of Law. Judge Harris completed a Humphrey Institute Public Policy Fellowship at the University of Minnesota Humphrey School of Public Affairs. Judge Harris served on the Minnesota

State Bar Association Council, and is an active member of the legal and St. Paul communities.

Karin K. Ciano: Before joining the OLPR in February 2021, Karin Ciano volunteered as an investigator for the Fourth District Ethics Committee. Karin practiced law for nearly 25 years as a solo and small-firm lawyer, a big-firm associate, and a federal career clerk. She serves on the board of LegalWise, a nonprofit solo-practice incubator affiliated with Mitchell Hamline School of Law. 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.

Joan Bibelhausen: Joan Bibelhausen has served as Executive Director of Lawyers Concerned for Lawyers since 2005. She is an attorney and received her JD from the University of Minnesota Law School. Joan is nationally recognized for her work in the lawyer assistance and diversity and inclusion realms and has significant additional training in counseling, mental health and addiction, diversity, employment issues, and management.

Joan has developed and presented numerous CLE and other programs throughout Minnesota and nationally and has written on mental health and addiction, implicit bias and mental health, career and life balance and satisfaction, stress, diversity and inclusion, marketing, and other issues of concern to the legal profession. She is active in the Minnesota State Bar Association, Hennepin and Ramsey County and American Bar Associations, the Federal Bar Association Minnesota Chapter, the Minnesota Disability Bar Association, and Minnesota Women Lawyers. She has served on the ABA Commission on Lawyers Assistance Programs (CoLAP) and its Advisory Commission. She has chaired CoLAP's Education Committee and its 2016 Conference Planning Committee. She has chaired the MSBA Life and the Law Committee and the HCBA Solo and Small Firm Practice Section and has co-chaired the HCBA Diversity Committee. She represents a disability perspective on many bar-related diversity committees and initiatives, including the MSBA Diversity and Inclusion Council. Joan also served on the MSBA Board of Governors, the HCBA's Strategic Planning and Leadership Institute task forces, and the ADA Minnesota and Minnesota Alliance on Problem Gambling boards.

Justice Natalie E. Hudson: Justice Natalie E. 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 the 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 the American Bar Association, Minnesota State Bar Association, Ramsey County Bar Association, Minnesota Women Lawyers, Minnesota Association of Black Lawyers, and Minnesota Association of Black Women Lawyers. She also serves on the Board of Advisors for the University of Minnesota Law School.

Susan C. Rhode: A prominent family law practitioner known for managing the “tough stuff” in divorce and related parenting cases, Susan Rhode uses her legal leadership to smooth and resolve the transitional challenges that many of her clients experience. She has represented clients in several of Minnesota’s leading cases concerning nonmarital property, spousal maintenance, and premarital agreements.

Susan also works extensively as a mediator, consensual special magistrate, arbitrator, neutral evaluator, and parenting coordinator. The well-being of children in divorce is an area of particular care and concern for Susan, a reflection of her prior experience as an educator and her commitment to children’s issues.

Ginny Klevorn: Ginny Klevorn has served as a public member of the Lawyers Professional Responsibility Board since 2017. She also serves on the LPRB Executive Committee and the Equity, Equality & Inclusion Committee. Prior to joining the Board, Ginny was a member of the 4th District Ethics Committee for several years. Ginny is also a business management consultant specializing in alternative dispute solution services. She currently serves as Minnesota House Representative for District 44A.

Bruce Williams: Bruce R. Williams has been in practice since 1990 with the Williams Law Office as a sole practitioner, based in Virginia, Minnesota. He is a part-time defender for the 6th District Public Defender’s Office and a certified criminal trial specialist since 2005. He was a former Chair of the Range Bar Association’s DEC for the 20th District and has served on the Lawyers Board since 2017 including being on the

Executive Committee for three years. He was previously Chair of the Board of Continuing Legal Education.

Joanna Labastida: Before joining the OLPR in April of 2022, Joanna Labastida previously practiced law in Kansas. She spent over six years at the Kansas Appellate Defender's Office, representing indigent criminal defendants on appeal. Joanna also spent six years at the Kansas Department of Revenue, first as a staff attorney in the Legal Services Bureau, and most recently as the Director of the Office of Special Investigations. Joanna received her B.S. from Northern Arizona University and her J.D. from the University of Kansas. In addition to getting settled at the OLPR, Joanna loves to travel with her husband and yellow lab and is enjoying all that Minnesota has to offer.

Nicole Frank: Nicole Frank is a Senior Assistant Director at the Office of Lawyers Professional Responsibility. Prior to joining the Director's Office, Nicole practiced for eight years in the areas of business litigation and appellate advocacy at Robins Kaplan LLP. Before private practice, Nicole clerked for the Honorable Michelle A. Larkin on the Minnesota Court of Appeals. Law is Nicole's second career; she began her professional work as a high school language arts teacher in the Twin Cities.