

## CHANGES AT THE LAWYERS BOARD . . .

By

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On September 8, 1992, I started my tenure as director of the Office of Lawyers Professional Responsibility (OLPR). I succeeded William Wernz, who resigned to enter private practice last May. Since this is my first contribution to *Bench & Bar*, I would like to take the opportunity briefly to introduce myself. I also want to say that I am proud to be the first woman to hold this position.

I'm a Nebraskan who gravitated toward Minnesota early, attending Gustavus Adolphus College in St. Peter, Minnesota. I returned to Nebraska to attend law school at the University of Nebraska at Lincoln, graduating in 1980.

After law school I moved to Washington, D.C. where I spent six years with the U.S. Department of Justice. While at Justice, I worked in the Office of Consumer Litigation, handling civil and criminal litigation for the Food and Drug Administration, and the Consumer Product Safety Commission. I also served as a special assistant U.S. attorney for a time, trying criminal cases.

In April 1987, I returned to Minnesota. I worked first in the Minneapolis office of Oppenheimer, Wolff & Donnelly. At Oppenheimer, I practiced primarily in the area of products liability. Most recently, I worked at the Resolution Trust Corporation (RTC) in Eagan, Minnesota in the Professional Liability Section. I supervised investigations - conducted by civil and criminal investigators - of professional liability claims, including attorney malpractice claims, against persons serving the savings and loan industry. I also managed the litigation that ensued from such investigations.

While my career path does not include long years of experience in the disciplinary field, that experience is already abundantly present in the OLPR, staffed as it is by many talented and dedicated attorneys. What I hope to bring to the position of director is a broad perspective about the work and lives of attorneys, gained from having practiced criminal and civil law, from having worked both as a public lawyer and in private practice, and from having worked essentially as inside counsel while at the RTC, which gave me a sense of what it is like to be a client.

In my first months as director, I have learned that one of the primary strengths of the Minnesota disciplinary system is its people - the lawyers and public member of the Lawyers Board, the many dedicated volunteer members of the district ethics committees around the state, and the attorneys and staff at the OLPR. Minnesota has always been a forerunner in the lawyer discipline area, due largely to the quality and sheer numbers of people committed to making the system work, and continually striving to make improvements to the system.

In this regard I particularly welcome the work being done at this time by the newly formed Supreme Court advisory committee, cochaired by Janet Dolan and Robert Henson. The committee has a two-part mission: to evaluate the proposals of the American Bar Association regarding the regulation of the legal profession (*See Wernz, "ABA Committee Recommends Changes," 48 Bench & Bar 7 (August 1991), and Wernz, "ABA Proposals for Change," 49 Bench & Bar 2, (February 1992)*), and to update the report of an

earlier Supreme Court advisory committee regarding the lawyer discipline process in Minnesota and the procedures and operations of the Lawyers Board. As someone who has not been intimately connected or tied to existing practices and procedures at the Lawyers Board, I bring no personal agenda to bear upon the director position, save to uphold the high standards of the office, and to continue to strive to make improvements in the future. I am confident that the new advisory committee will carefully evaluate what can or needs to be done to improve the current disciplinary system, and to determine which of the recommendations of the ABA make sense for Minnesota. I look forward to helping to implement the committee's conclusions and recommendations.

In an effort to make the public more aware of the actions of the board and the Court in regard to lawyer discipline, the Lawyers Board has amended its procedures regarding the issuance of news releases in connection with cases involving Supreme Court disciplines. At its September 18, 1992 meeting the board approved the following policy, to be effective immediately:

1. News releases issued in connection with petitions for suspension or disbarment shall state that the filing of the petition follows a finding of probably cause by a panel of the board or a waiver of the probably cause hearing by the respondent, as the case may be. News releases shall continue to be issued when the director files a petition seeking suspension or disbarment and not when the director seeks public reprimand or probation.
2. News releases shall be issued whenever the Minnesota Supreme Court disciplines a lawyer. This policy covers public reprimands and probations as well as suspensions and disbarments.

The primary thrust of the change is to provide to the various media outlets across the state a copy of all Supreme Court disciplines imposed, not just suspensions and disbarments, as was the previous policy. Unaffected is the policy that news releases accompanying discipline orders and opinions will not attempt to summarize the Court's opinions, as the order or opinion can speak for itself.