

# Opportunity awaits

BY SUSAN M. HUMISTON ✉ [susan.humiston@courts.state.mn.us](mailto:susan.humiston@courts.state.mn.us)



SUSAN HUMISTON is the director of the Office of Lawyers Professional Responsibility and Client Security Board. Prior to her appointment, Susan worked in-house at a publicly traded company, and in private practice as a litigation attorney.

**E**ach year my office hosts a professional responsibility seminar, usually in September. This event is designed as a “thank you” to the hundreds of volunteers who assist us in carrying out various responsibilities within the lawyer discipline system. Every year I am impressed by and eternally grateful to the individuals, lawyers and nonlawyers alike, who dedicate time and talent to the discipline system. Perhaps you or someone you know has an interest in attorney ethics, and may be interested in volunteering. This column describes the many ways someone might volunteer and why it is worth their time.

## Why volunteer?

We are a self-regulating profession, and we pride ourselves on this fact. That means it is on each of us to ensure that we regulate ourselves in the public interest. The preamble to the Rules of Professional Conduct states it well: A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession, and to exemplify the legal profession’s ideals of public service.<sup>1</sup> As a volunteer within the discipline system (or any of the other boards the Court uses to assist in the regulation of the profession), you have the opportunity to make a direct impact on efforts to improve the legal profession and maintain its integrity and effectiveness. The preamble also highlights the fact that our relative autonomy carries with it special responsibilities.<sup>2</sup> Ensuring a breadth of participation and voices enhances our ability to effectively engage in self-governance.

Beyond these system-level reasons, there are personal benefits to volunteering within the discipline system. Let me start with the most obvious: The cases are interesting! They involve interesting fact patterns and difficult situations where the choices may be hard and the right answer subject to interpretation. People make mistakes and poor choices all the time. What to do when that happens usually presents a pretty interesting constellation of issues.

Most lawyers have a pretty vague, high-level understanding of the ethics rules. As a volunteer, you will learn the rules. Knowing them will make you a better lawyer and benefit your practice, I promise. You will gain investigative, policymaking, and critical thinking skills. Making credibility

determinations, applying a variety of fact patterns to the rules, making recommendations on what the rules should be and why, or practicing your skills at gathering evidence: These are all valuable experiences for lawyers.

Members of the public are also welcome to volunteer, and there are many benefits for them. A panel presentation at the seminar highlighted some of those benefits. For people who have lawyers in the family or work in a profession that collaborates closely with lawyers, this is a great way to expand that connection. Nonlawyer volunteers see firsthand some of the challenging aspects of the practice of law, and get the opportunity to enhance their skills at persuasion or debate in a forum where the viewpoints of nonlawyers are expressly sought and highly valued. And did I mention the cases are interesting?

## How to get involved

Most volunteers begin by doing work for a district ethics committee (DEC). Minnesota is one of a few states that still use a volunteer investigation process. There are 21 district ethics committees, coordinated by the district bar associations.<sup>3</sup> You do not, however, have to be a member of the Minnesota State Bar Association to belong to a district ethics committee, as one of the hallmarks of our system is that 20 percent of committee membership should be public, nonlawyer members. And, although the district bar associations are the coordinating entity, ethics committee work is open to the broader legal community. People can participate in the district where they live or where they work. The Minnesota Supreme Court appoints the chair of each district ethics committee, and if you are interested in volunteering, the place to start is by contacting the chair.<sup>4</sup>

Our office has extensive training materials, and many DEC’s have a mentoring system to help new members. Most volunteers investigate one or two cases a year, and most committees meet regularly to discuss and vote on recommendations relating to investigations. Some committees do not meet regularly but vote electronically on investigations conducted by volunteers in their district. I got my start in legal ethics with the 4th DEC (Hennepin County) through a recommendation from the general counsel of my law firm, who knew I had an interest in ethics and legal malpractice.

Membership on the Lawyers Professional Responsibility Board is another great volunteer opportunity. LPRB members are appointed by the Court, and you can learn about openings by subscribing to receive public notices from the Court.<sup>5</sup> Openings are also posted on our website, and the MSBA makes recommendations on appointments to the LPRB as well. Public member participation on the LPRB is even higher than at the DEC. The rules provide that 40 percent of LPRB members must be nonlawyers. LPRB work is also fascinating. Although members of the LPRB do not investigate cases, they review appeals of determinations made in ethics cases, hold hearings when lawyers appeal admonitions, make probable cause determinations on whether public discipline is warranted, and make recommendations to the Court on whether a lawyer should be reinstated to the bar following suspension, disbarment, or resignation. The LPRB also makes rule recommendations to the Court, sets policies that govern the discipline system, and provides recommendations and guidance to me on the operations of the OLPR. Many LPRB members first volunteer on the DECs, but that is not always the case.

Many experienced lawyers have also served as probation volunteers. At any given time, there are between 70-100 lawyers on probation (either publicly or privately) who greatly benefit from the practice mentorship of experienced lawyers. Oftentimes issues that lead to discipline can be effectively addressed through programs that support and improve practice management skills, and probation volunteers provide that guidance one-on-one with lawyers. If you are an experienced lawyer interested in mentoring, this might be a volunteer opportunity for you. To get started, reach out to our office and ask for the probation department lead.

The Court also has several other boards closely involved in lawyer regulation that might interest you. Those boards include the Client Security Board, the Board of Law Examiners, the Board of Continuing Legal Education, and the Board of Legal Certification.<sup>6</sup> The Court is also looking for volunteers for its newly established Legal Paraprofessional Program Standing Committee.<sup>7</sup>

## Conclusion

Opportunities abound for any lawyer or nonlawyer interested in attorney ethics or more generally in the regulation of the legal profession. I know everyone is busy, but we are a service profession at heart and there are many ways you can be of service to the profession while also enhancing your own skills and practices. If you know of others to whom you think these opportunities might appeal, help us recruit. I know of several lawyers who have recruited retired nonlawyer parents or other family members to volunteer for DEC or board service, and I cannot thank them enough, because those individuals have been outstanding committee and board members.

Finally, to bring us full circle to where this column started, we have started recording our annual professional responsibility seminar for on-demand viewing and CLE credit, so if you are looking for free ethics credits or want to learn more about what we do, visit our website for information about the seminar or volunteer opportunities in general.<sup>8</sup> Thank you to our great volunteers who contribute so much to the effective functioning of our discipline system! ▲

## NOTES

<sup>1</sup> Preamble: A Lawyer's Responsibilities, Minnesota Rules of Professional Conduct [7].

<sup>2</sup> Preamble [12].

<sup>3</sup> <https://mnbars.org/?pg=district-bar-associations>

<sup>4</sup> Our DEC coordinator can connect you with the local leadership: [deccorrdinator@courts.state.mn.us](mailto:deccorrdinator@courts.state.mn.us).

<sup>5</sup> <https://www.mncourts.gov/About-The-Courts/NewsAndAnnouncements.aspx?notice>

<sup>6</sup> <https://lawyerregulation.mn.gov>. This website connects you to each of the websites for the boards and offices tasked by the Court with regulation responsibilities.

<sup>7</sup> <https://www.mncourts.gov/About-The-Courts/NewsAndAnnouncements/ItemDetail.aspx?id=2391>

<sup>8</sup> <https://lprb.mncourts.gov/AboutUs/Pages/Seminar.aspx>