

## Who's Watching The Lawyers?

By

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Every state has an attorney-discipline system. In some states that have a unified bar, the discipline system is operated by the bar association. In Minnesota the discipline system is made up of a 23-member Supreme Court-appointed Lawyers Professional Responsibility Board (Lawyers Board) and a Supreme Court agency, the Office of Lawyers Professional Responsibility (OLPR).

Lawyers Board members are volunteers. Fourteen are attorneys and nine are nonlawyers. The budget for the OLPR, including its professional staff of nine attorneys and 4.5 paralegals, is paid from attorney registration fees. In addition, volunteers (both attorney and nonattorney) in each of the Minnesota State Bar Association (MSBA) districts form district ethics committees (DECs) whose members investigate all but the most serious and politically sensitive complaints received by the OLPR. [Ftn 1](#)

The Lawyers Board, acting as a whole, sets policies and oversees the OLPR. Individual Lawyers Board members review complainant appeals. A complainant may appeal if the OLPR dismisses the complaint or issues private discipline. Lawyers Board members also serve on six three-member panels which conduct hearings on petitions for reinstatement, probable cause for public discipline and appeals by attorneys issued private admonitions. Each panel is chaired by an attorney and must have at least one nonattorney member. The Lawyers Board Executive Committee (the board chair, two attorneys and two nonattorneys) provides more direct oversight of the OLPR. Executive Committee members do not serve on hearing panels or review complainant appeals.

Using volunteers, including nonattorney volunteers, is a longstanding tradition in the Minnesota disciplinary system. The hard work and high quality of the volunteers' efforts makes the Minnesota system highly effective. The use of nonattorneys helps to enhance the credibility of the disciplinary process with complainants and the general public. The different insights and perspectives of nonattorney investigators and Lawyers Board members are of great value in assessing the impact of attorney misconduct.

Most public (nonattorney) members of the Lawyers Board appointed by the Supreme Court have served five or more years on a local DEC. Of the 53 public members who have served since 1972, 23 were women and 30 have been men. Lawyers Board members have come from all over the state: 11 from

Minneapolis, 11 from St. Paul, 11 from the metro suburbs and 20 from greater Minnesota. They are from all walks of life, including a high school Spanish teacher, social worker, nurse, advertising executive, school principal, newspaper writer and consultant, vice president of an insurance company, retail business owner, law enforcement, bankers, realtor, engineer, psychotherapist, university administration, manufacturing business owner, nonprofit manager, coordinator of minority education program, director of information services for Camp Snoopy, claims adjusters for Minnesota Lawyers Mutual, and court administration. They are generally very active in their communities. Lawyers Board members have been president of the League of Women Voters, president of the Citizen's League, president of St. Paul Junior Chamber of Commerce, chair of the Detroit Lakes school board, Mankato city council member, international president of the Gideon auxiliary as well as having served on the boards of numerous other civic and charitable organizations.

Attorneys serving as Lawyers Board members are appointed to reflect the diversity of the bar. The MSBA nominates six of the 13 lawyer members. Attorneys on the Lawyers Board come from every part of the state and from varied practice areas. Attorney members are from big firms, small firms, solo practice, corporate practice, the public sector and law schools. Several Lawyers Board members, including Regina Chu, Michael Fetsch, Sally Robertson and Richard Taylor, have later been appointed to the bench.

Both the public and the profession owe much to the hundreds of people who have given their time and expertise to safeguard the administration of justice and maintain the standards of this profession.

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[1] At least 20 percent of DEC members are to be nonlawyers. Every effort is made to appoint attorney DEC members from various areas of practice. Rule 3, Rules on Lawyers Professional Responsibility.