

**LAWYERS PROFESSIONAL RESPONSIBILITY BOARD
MEETING AGENDA**

Friday, June 8, 2018 - 1:00 p.m.

Town & Country Club
300 Mississippi River Boulevard North
St. Paul, Minnesota

1. Approval of Minutes of April 27, 2018, Lawyers Board Meeting (Attachment 1).
2. 2018 Annual Report Draft (Attachment 2).
3. Committee Updates:
 - a. Rules Committee.
 - b. Opinion Committee.
 - c. DEC Committee.
4. Director's Report (Attachment 3).
 - a. Budget Update to Court (Attachment 4).
5. Other Business:
 - a. Proposed 2019 Meeting Dates (Attachment 5).
6. Quarterly Board Discussion (closed session).
7. Board Offsite, **July 27, 2018**, and LPRB meeting, **September 28, 2018**, following OLPR annual Seminar.

REMINDER: Please contact Tina in the Director's Office at 651-296-3952 if you were confirmed for the Board meeting and are now unable to attend. Thank you.

If you have a disability and anticipate needing an accommodation, please contact Susan Humiston at lprada@courts.state.mn.us or at 651-296-3952. All requests for accommodation will be given due consideration and may require an interactive process between the requestor and the Office of Lawyers Professional Responsibility to determine the best course of action. If you believe you have been excluded from participating in, or denied benefits of, any Office of Lawyers Professional Responsibility services because of a disability, please visit www.mncourts.gov/ADAaccommodation.aspx for information on how to submit an ADA Grievance form.

**MINUTES OF THE 183rd MEETING OF LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD APRIL 27, 2018**

The 183rd meeting of the Lawyers Professional Responsibility Board convened at 1:00 p.m. on Friday, April 27, 2018, at the Town and Country Club, St. Paul, Minnesota. Board members present were: Board Chair Robin Wolpert, and Board members Joseph Beckman, Jeanette Boerner, James Cullen, Thomas Evenson, Roger Gilmore, Christopher Grgurich, Mary Hilfiker, Gary Hird, Anne Honsa, Peter Ivy, Bentley Jackson, Shawn Judge, Virginia Klevorn, Mark Lanterman, Michael Leary, Cheryl Prince, Susan Rhode, Brent Routman, Gail Stremel, Bruce Williams, and Allan Witz. Present from the Director's Office were Director Susan Humiston, Deputy Director Timothy Burke, Senior Assistant Directors Cassie Hanson and Keshini Ratnayake, and Assistant Director Aaron Sampsel. Also present were Justice David Lillehaug, Liaison Justice, and Frederick Finch, Minnesota State Bar Association Rules of Professional Conduct Committee.

1. WELCOME TO JUSTICE DAVID LILLEHAUG

Robin Wolpert welcomed Justice David Lillehaug to the Board Meeting. Ms. Wolpert provided a brief summary of Justice Lillehaug's credentials, extolled Justice Lillehaug's commitment to the profession, and thanked Justice Lillehaug for undertaking to serve as the Supreme Court's liaison justice to the Board and Office.

Justice Lillehaug began by expressing his appreciation to Ms. Wolpert for acting as Chair, and stated that Susan Humiston has been a marvelous addition to the lawyer discipline system. Justice Lillehaug noted his longstanding interest in the disciplinary system and expressed his belief in the importance of the system. Justice Lillehaug shared that he brings a somewhat unique perspective to the Court, in that he currently is the only lawyer who went directly from private practice to the Court. This assists in his effort when evaluating lawyer discipline matters to put himself into the shoes of the respondent lawyer, the public at large, and the bar which abides by the Rules of Professional Conduct. Justice Lillehaug concluded with an expression of the honor he felt to be liaison justice, his appreciation of the work that the Board and its members perform, and the Court's awareness of the time and effort the Board members devote to their service.

2. APPROVAL OF MINUTES.

The Minutes of the January 26, 2018, Board meeting were unanimously approved.

3. COMMITTEE UPDATES.

A. Rules Committee.

Ms. Wolpert recognized the attendance of Frederick Finch as a representative of the Minnesota State Bar Association Rules of Professional Conduct Committee and stated that Mr. Finch was present to answer any questions Board members may have during the Board's discussion of a proposed change to Rule 1.6(b)(8), Minnesota Rules of Professional Conduct (MRPC).

Ms. Wolpert reported on the actions taken by the MSBA General Assembly on April 20, 2017. The General Assembly approved a motion to recommend the Supreme Court adopt the MSBA Rules of Professional Conduct Committee's proposed changes to Rule 5.5, MRPC.

Ms. Wolpert also reported that during the General Assembly session, Ms. Humiston presented her view on the merits of the MSBA Rules of Professional Conduct Committee's proposed changes to Rule 1.6(b)(8), that Ms. Wolpert reported on the status of the Board's consideration of those proposed changes, and the General Assembly approved a motion to recommend the Supreme Court adopt the MSBA Rules of Professional Conduct Committee's proposed changes to Rule 1.6(b)(8).

Ms. Wolpert then invited Mr. Grgurich as Chair of the Rules Committee to present regarding Rule 1.6(b)(8).

Mr. Grgurich began by noting the importance of this issue to the Board and providing an overview of the evolution of the MSBA Rules of Professional Conduct Committee proposal to amend Rule 1.6(b)(8). Mr. Grgurich summarized the arguments in support of, and against, that proposal.

Mr. Grgurich stated that he believed it was important to bear in mind three goals of the Rules of Professional Conduct and the disciplinary system. First, public confidence in lawyers. Second, advancing the professional interests of, and protecting, lawyers. Third, providing clear

guidance to the OLPR and to the bar as to what the Rules of Professional Conduct say and mean.

Mr. Grgurich summarized arguments set forth by proponents of, and opponents to, the proposal. Proponents view the word "controversy" in the current language of Rule 1.6(b)(8) to be ambiguous. Opponents of the proposal question whether it is appropriate to allow lawyers to reveal client confidential information in any circumstance in response to a client's negative online post or other negative commentary to a third person. Opponents of the proposal are concerned the public could lose confidence in lawyers if they were allowed to do so. Mr. Grgurich noted that in rebuttal, proponents of the change believe the proposal contains a narrower exception than is contained in the current rule. In particular, the proposed rule has a number of "hooks" which must be satisfied and which further define when a lawyer could disclose client confidential information in such a situation. Mr. Grgurich also noted that proposed Rule 1.6(b)(9) specifically deals with issues relating to actual or potential civil, criminal or disciplinary proceedings.

Mr. Grgurich then summarized the history of the Rules Committee's consideration of the matter.

In early March 2016 the Rules Committee met to consider this issue. The Rules Committee invited the Opinions Committee and representatives of the MSBA to attend. The Rules Committee voted by 4 to 1 (with one abstention) to recommend the Board adopt the MSBA proposed amendments to Rule 1.6(b)(8). Mr. Grgurich reported on his subsequent communication with the Opinions Committee, which also supported this proposal.

Mr. Grgurich recognized that competing views exist on this issue as a matter of public policy. Mr. Grgurich noted that issues include: Is this better than the current rule? Ought lawyers be allowed to reveal confidential information in response to negative online posts?

Mr. Grgurich reported that the Rules Committee also voted to recommend the Board repeal Opinion No. 24, but that the Opinions Committee's position is that Opinion No. 24 should not be repealed unless and until the rule change proposal has been adopted by the Supreme Court.

Anne Honsa as Chair of the Opinions Committee stated that the Opinions Committee recognizes that if the proposed rule change is adopted by the Supreme Court, then Opinion No. 24 must be changed or withdrawn. The Opinions Committee believed it was premature to consider whether to repeal Opinion No. 24 until if and/or when Rule 1.6(b)(8) is amended.

Ms. Wolpert reminded the Board that during the January 2018 meeting, the Board approved the MSBA's proposed amendment which is set forth in MSBA proposed Rule 1.6(b)(9). Ms. Wolpert noted that the MSBA Judiciary Committee and General Assembly had modified some of the specific language, which did not materially affect the import of the proposed language, and therefore saw no need for the Board to further consider this issue.

Ms. Humiston acknowledged the intuitive appeal of the proposed amendment. She nevertheless recommended the Board reject the MSBA's proposal, and articulated several reasons.

- Confidentiality is a core tenet of the attorney-client relationship and is integral to the fiduciary duties attorneys owe to their clients.
- Confidentiality as defined under the Rules of Professional Conduct is much broader than attorney-client privilege.
- The ABA Model Regulatory Objectives for the Provision of Legal Services have as one of the core objectives the protection of client confidences.
- Rule 1.6(b) already contains many exceptions to the general principle of confidentiality of client information. Each is tailored to a critical overriding public policy interest. No such interest exists here.
- Allowing lawyers to make such disclosures would undermine the public's view of lawyers.
- The principle purpose or rationale underlying the proposal appears to be based on the concept of waiver. The Rules of Professional Conduct, however, do not allow lawyers to act based on a client waiver, but instead require a client's informed consent.

- Circumstances exist when a lawyer may well want to make disclosure but the Rules of Professional Conduct prohibit such disclosure, even when the circumstances in these matters would seem to have a greater public interest in favor of disclosure than in the interest in responding to criticism.
- As Mr. Ivy discussed during the January 2018 Board meeting, the absence of safeguards in the proposed rule stands in stark contrast to the many protections in place when a person in a criminal matter raises an ineffective assistance of counsel claim.
- Multiple problems with enforcement of the proposed rule exist, and the “hooks” in the proposed rule are illusory.
- No other profession which holds confidences, such as doctors and mental health professionals, are allowed to make disclosures to respond to negative client commentary.
- Each jurisdiction but one which has considered this issue has rejected the ability of a lawyer to make such disclosures.

Ms. Humiston agrees that the word “controversy” in Rule 1.6(b)(8) as it presently exists is unhelpful. Ms. Humiston believes this problem is fixed by the MSBA’s proposed Rule 1.6(b)(9).

Ms. Humiston therefore recommended that the Board recommend to the Supreme Court that the Court adopt the MSBA’s proposed Rule 1.6(b)(9), as a replacement to current Rule 1.6(b)(8), and reject the MSBA’s proposed Rule 1.6(b)(8).

Mr. Evenson opined that the MSBA’s proposed amendment contains too much ambiguity, and too many questions for lawyers to attempt to clarify when deciding whether they can make disclosures in compliance with the proposed rule. Mr. Evenson therefore supported Ms. Humiston’s proposal.

Ms. Wolpert noted that the Board had already decided to recommend the Court adopt the MSBA’s proposed Rule 1.6(b)(9), and therefore the issue before the Board was the MSBA’s proposed Rule 1.6(b)(8).

Mr. Grgurich replied to Mr. Evenson by noting that language in the rule exists in other provisions of the Rules of Professional Conduct. For

example, the “substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects” language currently exists in Rule 8.3.

Ms. Boerner stated that as a practitioner, the proposed rule is frightening. From her perspective as a public defender, often public defense clients are mad at counsel and make untrue statements. Ms. Boerner opined that the role of lawyers in representing their clients is sacred, that lawyers are highly respected because of confidentiality, and lawyers must have the dignity to stay silent while a case is pending. Under the MSBA’s proposed rule, if a client made a negative online review during the pendency of a criminal matter, defense counsel could make a response which stated or implied the client is guilty of the charged offense.

Ms. Boerner also inquired as to how a lawyer could really know who authored any particular post in the anonymous world of the internet. Because time is often of the essence in the social media world, a lawyer would want to respond promptly. Any revelation of confidential information could devastate the client, particularly if the lawyer was wrong about who authored a post purportedly authored by the client. Ms. Boerner therefore opposes the proposed change to Rule 1.6(b)(8).

Ms. Boerner believes the “substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects” language is vague in the MSBA’s proposal and where used elsewhere in the rules. Ms. Boerner expressed concern this would result in more complaints and more discipline imposed against lawyers.

Mr. Routman asked Mr. Finch which committees or sections of the MSBA had reviewed this proposal. Mr. Finch reported that the proposal was distributed to all committees and sections of the MSBA, none objected, and one section (the young lawyers section) stated it is in favor of the proposed change.

Mr. Routman informed the Board that the MSBA General Assembly was made up of more than 120 attorneys who come from all portions of the state and practice in all work environments, and constitutes the policymaking body of the MSBA. Mr. Routman asked Mr. Finch if the General Assembly had voted in favor of the MSBA’s proposed changes, and Mr. Finch replied in the affirmative.

Mr. Routman acknowledged that the question presented is difficult. Lawyers are used to the concept of keeping client confidences. Mr. Routman noted that recently an attorney in his firm had come to Mr. Routman because a client had posted a bad review on AVVO, the review contained totally wrong or false allegations, and that lawyer asked Mr. Routman what the lawyer could do in response.

Mr. Routman noted that in private practice today, clients look at social media to evaluate whom to hire. Mr. Routman asked whether lawyers with professional reputations could be significantly and negatively affected without the ability to respond. Mr. Routman acknowledged this was a close question deserving careful consideration, with the Court ultimately having the opportunity to decide.

Shawn Judge stated that she is opposed to the proposal. Ms. Judge opined that lawyers and clients should not be having discussions on social media about information related to the representation or to the quality of the lawyer or client's conduct.

Bentley Jackson concurred with Ms. Boerner's concern about whether a lawyer would know in the anonymous world of the internet that it was the client who actually posted a negative online review which appeared to be authored by the client.

Bruce Williams stated that he believes that adopting this proposal would open a Pandora's Box. More specifically, Mr. Williams expressed concern that an attorney could see something online, get upset, not call for an advisory opinion, and respond inappropriately in an angry, lashing out manner and thereby inappropriately disclose client confidential information.

Mr. Williams noted his respect for the MSBA's process and proposal, and also recognizes that opposition to that proposal would put the Board at odds with the MSBA.

Cheryl Prince agreed that the proposal created a slippery slope, and that the issue of negative client reviews is one which needs to be addressed, particularly as this issue has taken on a new form in the social media world. Ms. Prince opposes the current proposal, but believes that further options should be explored down the road, such as allowing a lawyer to reveal information in the public record.

Virginia Klevorn stated that she is opposed to the proposal, that a lawyer should simply make a denial of wrongdoing and end the discussion.

Ms. Wolpert then provided Mr. Finch with an opportunity to address the Board.

Mr. Finch provided a brief history of the confidentiality provisions in the professional conduct rules. He expressed his view that the proposed amendment is a minor technical modification which would be applied in a very specific situation, and that the proposal contains a number of "hooks" of which would result in the permitted disclosures not being used very often.

Gary Hird stated that he is opposed to the proposal. He does not think the proposal is wise, and recommends the Board adopt the Director's proposal.

James Cullen expressed his belief that Opinion No. 24 contradicts Rule 1.6(b)(8) as presently written. Mr. Cullen also stated that he believes there exists a situation in which a disclosure under existing Rule 1.6(b)(8) would be acceptable as the rule is presently written. Mr. Cullen had therefore moved in the Rules Committee to adopt the "actual or potential" proceeding language in MSBA proposed Rule 1.6(b)(9). Mr. Cullen had also moved the Rules Committee to recommend that Opinion No. 24 be repealed, but that motion was defeated.

Mr. Cullen therefore would move to accept the MSBA's proposal. Mr. Cullen stated that he is presently persuaded that the MSBA's proposal makes a lot of sense. Mr. Cullen also stated that if one opposed the proposed Rule 1.6(b)(8), Mr. Cullen nevertheless believes that Opinion No. 24 should be withdrawn. In particular, when a client makes a negative review on a particular website, Mr. Cullen believes a lawyer may be able to respond on that website.

Mr. Cullen expressed his opinion that the "hooks" in the proposed rule are not vague, that they include words currently in the rules which are understood and applied and therefore their meanings are known.

Mr. Cullen concluded that even if the Board opposes MSBA proposed changes to Rule 1.6(b)(8), Opinion No. 24 should still be withdrawn.

Roger Gilmore made a motion to adopt Ms. Humiston's position, i.e., that the Board support replacing current Rule 1.6(b)(8) with the MSBA's proposed Rule 1.6(b)(9), but opposes adoption of MSBA's proposed Rule 1.6(b)(8).

Ms. Wolpert questioned whether it was prudent to adopt this motion at this time, in light of the fact that neither the Rules Committee nor the Board had considered MSBA proposed Rule 1.6(b)(9) in isolation.

Mr. Routman moved to defer consideration of Mr. Gilmore's motion until the Rules Committee had an opportunity to evaluate Ms. Humiston's proposal.

Both Mr. Gilmore's and Mr. Routman's motions were seconded.

In discussion on Mr. Routman's motion, Ms. Prince noted that until recently, she had been Chair of the Rules Committee, the Rules Committee understands the entirety of the issues emanating from the MSBA's proposal, and therefore further time for deliberation was unnecessary and the Board stood ready to vote.

Justice Lillehaug asked whether the MSBA's proposed Rule 1.6(b)(9) would prevent an attorney from using confidential information in a defamation action (whether as plaintiff or defendant) with a client. Mr. Burke and Ms. Humiston clarified this was not the case, and the MSBA's proposed language would not prevent such usage.

Ms. Wolpert stated that she believed further consideration of Ms. Humiston's position was appropriate. Ms. Wolpert noted that the words "controversy" and "proceeding" both appear in the current rule, that controversy appears broader than proceeding, and therefore the drafters of the rule must have had something beyond a legal proceeding in mind. Ms. Wolpert opined that the MSBA proposal narrows the scope of Rule 1.6(b)(8), and it would be prudent for the Rules Committee to consider the appropriateness of adopting only MSBA proposed Rule 1.6(b)(9). Ms. Wolpert asked whether it was prudent for the Board to take a policy position to more narrowly restrict speech without full consideration. Personally, Ms. Wolpert wanted to know more.

Mr. Gilmore asked if Mr. Routman's motion passed, then final consideration would be deferred to the next Board meeting. Ms. Wolpert said yes.

Mr. Routman's motion failed on a voice vote.

Ms. Wolpert then asked for any further discussion on Mr. Gilmore's motion.

Mr. Grgurich asked whether the proposed comments in the MSBA's proposal are also considered part of the Board's position. Mr. Cullen made a motion to add proposed comment [9] to Ms. Humiston's motion. Mr. Cullen's motion was seconded.

Mr. Beckman stated that in quick consultation with another member of the Opinions Committee, two-thirds of that Committee did not believe it was appropriate for the comment to go along with Ms. Humiston's proposed language. Mr. Grgurich expressed his opinion that the answer to that question should be yes.

Ms. Wolpert noted the Board had not talked about the comments before, asked whether the Board should take a vote when people were just reading these comments for the first time, and noted that as an option the Rules Committee could review this issue.

Allan Witz asked if there was any urgency to the Board's consideration. Ms. Humiston said there was not. Ms. Wolpert stated that the MSBA would be filing a rule change petition with the Court, the Board would respond, and the petition would probably be filed after June, so the Board could consider this issue at its June meeting.

Mr. Cullen's motion to include the comments failed on a voice vote.

A vote was then taken on Mr. Gilmore's motion. The motion passed on a voice vote.

B. DEC Committee.

Ms. Wolpert noted that Mr. Ivy and Joshua Brand of the OLPR had been working hard on preparing the DEC Chairs symposium and have come up with a good program.

Mr. Ivy reported on the work of the DEC Committee on preparing for the symposium. Mr. Ivy provided a brief overview of the program, which will include a recorded statement from Justice Lillehaug welcoming attendees, and a prepared scenario for attendees to consider to stimulate conversation toward bringing attention to certain issues faced by DEC Chairs and investigators. Mr. Ivy would like to develop reference sheets over time to help with onboarding of new DEC members.

Ms. Humiston provided an overview of the September 2018 Professional Responsibility Seminar. Ms. Humiston stated that she had asked Allen Saeks to use his unique experience to speak about the history of the lawyer discipline system. Also, Professor Francis Shen from the University of Minnesota Law School will present. Professor Shen is an expert on neurological signs seen as people age, and how to recognize these signs. Ms. Humiston stated that she hoped Justice Lillehaug would attend and speak, and Justice Lillehaug indicated he would.

4. STRATEGIC PLAN REPORT DRAFT.

Ms. Wolpert extolled the strategic planning process and commended Ms. Humiston on initiating the process. Ms. Wolpert noted that Minnesota is the first lawyer discipline agency to conduct a strategic planning process and prepare a strategic plan report. Ms. Humiston noted that former Justice David Stras had been a primary instigator of the strategic planning process, which married with ideas Ms. Humiston had been considering.

Ms. Humiston expressed her great pleasure at the process which involved many engaged stakeholders. In Ms. Humiston's opinion, the best part of the process was the survey through which many insights were received and which dovetailed with what the Committee was assessing.

Ms. Humiston summarized the strategic plan committee's process.

Part of the report is an action plan, which is a preliminary attempt to create a high level action plan for each strategic priority. This process will involve balancing case processing goals and the Office's primary responsibilities for lawyer discipline investigations and prosecutions with these proactive measures which will benefit the profession.

Multiple Board members opined that the strategic plan was a great idea. Mr. Ivy also expressed his belief that the strategic plan could bring the issue of lawyer well-being further forward in the profession.

As to implementation, Mr. Hird stated that the Office must be realistic about the process of implementation and requested the Director report regularly on implementation. Ms. Humiston stated that she was aware of both issues and intended to report regularly.

Mr. Witz opined that the most important priority was, in fact, correctly identified as the most important priority, so that lawyers did not unwittingly become involved with the lawyer discipline system. Ms. Hilfiker concurred.

Ms. Wolpert then noted that primary responsibility for implementation of the strategic plan rests with Ms. Humiston and the OLPR, but asked Board members to consider ways the members of the Board and district ethics committees could assume a limited role in assisting Ms. Humiston and the OLPR with implementation. Ms. Wolpert recognizes the hardworking nature of the Board and the extensive time commitment Board members already give.

Ms. Honsa concurred that it would be great for Board and DEC members to participate and noted that implementation often can be the most challenging aspect of a strategic planning process.

A motion was made to adopt the strategic plan and forward the strategic plan report to the Supreme Court for its approval. The motion was seconded and passed unanimously.

5. **DIRECTOR'S REPORT.**

Ms. Wolpert reiterated that one of the most important tasks of the OLPR is to process disciplinary cases.

Ms. Humiston thanked the Board for recommending Ms. Humiston's reappointment as Director. Ms. Humiston expressed her love of the job, and noted the terrific people in the Office who are hardworking and talented. Ms. Humiston noted that there is much going on in the Office and many challenges, including outreach to the profession, trying cases, and the strategic plan.

Ms. Humiston asked Aaron Sampsel and Keshini Ratnayake to introduce themselves to the Board, which they did. Ms. Humiston also recognized the hiring of Rebecca Huting.

Ms. Humiston provided an update on the process of hiring an office administrator to replace the retiring Tina Trejo.

Ms. Humiston reported that Michelle MacDonald had filed a petition with the United States Supreme Court to review the Minnesota Supreme Court's disciplinary determination. Instead of styling the matter as a direct appeal, however, Ms. MacDonald styled the matter as a lawsuit against the Board, naming the Board as a defendant. Ms. Humiston noted that the Board had not been served yet, simply that a copy of the paperwork had been sent by courier to the Director's Office. Mr. Grgurich requested, and Ms. Humiston agreed, to send a copy of Ms. MacDonald's petition to the Board members.

Ms. Humiston also noted that she was named as a defendant in federal court by a complainant in an amended complaint. The court denied the motion to amend, so it remains to be seen if the complainant will continue to sue Ms. Humiston or the OLPR.

Ms. Humiston noted that when the Director's Office or Board are sued, when counsel is needed, counsel is provided by the attorney general's office.

Ms. Humiston provided an update regarding Ronald Resnik, who was disbarred in December 2016. Mr. Resnik was charged with 12 counts of felony theft by swindle, for continuing to practice law and take money after he was disbarred. Ms. Humiston recently received a letter that Mr. Resnik likely will plead guilty. Ms. Humiston plans to write a letter to Hennepin County Attorney Michael Freeman after the Resnik matter is resolved to thank him for bringing that matter forward.

Ms. Humiston informed the Board of the Supreme Court's video series and commended the videos to the Board members.

Ms. Humiston informed the Board that the ABA had issued Formal Opinion 481, which relates to the duty to inform a current or former client of a material error made by lawyer. ABA Formal Opinion 481 covers a topic similar to that covered in Opinion No. 21, which has been in existence since 2009, and therefore Ms. Humiston believes that the Opinions Committee may be able to look at Opinion No. 21 in light of ABA Opinion 481.

Ms. Humiston then reported on the statistics. New filings are down year over year, though this may not necessarily remain true for the rest of the year. The number of requests for advisory opinions has increased. The Office is continuing to make progress on meeting the Board's case processing targets. Ms. Humiston noted her pride in the fact that this progress was being made while all matters continued to move expeditiously. Ms. Humiston expressed her hope that now that a full complement of lawyers is in the Office, further progress will be made.

Ms. Humiston noted that so far in 2018 five lawyers have been disbarred, which equals the total number of lawyers disbarred in 2017.

Mr. Jackson asked for not only monthly but also quarterly reporting on the number of files opened and closed, which Ms. Humiston agreed to provide.

6. **OTHER BUSINESS.**

Ms. Wolpert noted the next Board meeting will be on June 8, 2018.

Ms. Wolpert thanked the Board members for agreeing to participate in a quarterly discussion series. Ms. Wolpert expressed her belief that these discussions will allow Board members to consider "big picture" issues beyond the usual day-to-day and week-to-week tasks of Board members. Ms. Wolpert reported that the July 27, 2018, discussion will feature Board member Mark Lanterman and Sam Glover speaking on the future of the practice of law and cyber security issues. Ms. Wolpert also reminded the Board that the Professional Responsibility seminar will be on September 28, 2018.

Mr. Cullen had requested earlier in the meeting the Board come back to the issue of Rule 1.6(b)(8). Ms. Wolpert therefore returned to this issue.

Mr. Cullen stated that as he understood Ms. Honsa's comments, the issue of repealing Opinion No. 24 may be moot if the Board adopts MSBA 1.6(b)(8). This would leave an open issue, however: Is there a situation where an attorney permissibly could respond on a social media website to a client criticism made on that website? Mr. Cullen believes there could be such a situation. He therefore made a motion to repeal Opinion No. 24. Mr. Cullen pointed out the statement of Bill Wernz, that if a Lawyers Board opinion conflicts with a Rule of Professional Conduct, the opinion must give way. Mr. Cullen believes that Opinion No. 24 in barring any response is too broad and therefore inconsistent with current Rule 1.6(b)(8).

Mr. Cullen moved to repeal Opinion No. 24. The motion was seconded.

Ms. Wolpert explained the steps in the rule change process and asked how repeal would work given the limbo of the current situation. Mr. Cullen stated that his motion is independent of any proposed rule changes. Mr. Cullen's position is that, as Rule 1.6(b)(8) is presently worded, a lawyer could legitimately respond to a client's negative review on a social media website by posting to that website information related to the representation. The only obstacle to such disclosure is Opinion No. 24 which prohibits such disclosure. Mr. Cullen believes the Court will want to know the Board's opinion on whether Opinion No. 24 will survive after the Court considers the proposed changes to Rule 1.6(b)(8). Ms. Honsa stated that she and Mr. Beckman believe that acting on Opinion No. 24 before the rule change process is complete would be premature.

A vote was taken, and the motion failed on a vote of 7 in favor to 13 against.

7. **QUARTERLY BOARD DISCUSSION.**

The Board, in a closed session, conducted its quarterly Board discussion.

Thereafter, the meeting adjourned.

Respectfully submitted,



Timothy M. Burke
Deputy Director

[Minutes are in draft form until approved by the Board at its next Board meeting.]

ANNUAL REPORT OF THE
LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

DRAFT

ANNUAL REPORT OF THE
OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY

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July 2018

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I. INTRODUCTION AND HIGHLIGHTS.

Pursuant to Rules 4(c) and 5(b), Rules on Lawyers Professional Responsibility (RLPR), the Lawyers Professional Responsibility Board (LPRB) and the Director of the Office of Lawyers Professional Responsibility (OLPR) report annually on the operation of the professional responsibility system in Minnesota. This report is made for the period from July 2017 to June 2018 (FY2018), which represents the Board's and the Office's fiscal year. The majority of the statistical information, however, is based upon calendar year 2017, unless otherwise noted.

A Note from Board Chair Robin Wolpert.

[TO BE INSERTED]

Highlights.

Fiscal year 2017 was another year of transition for the OLPR! Stacy Vinberg, Chair, resigned her position due to a career move to South Dakota. Congratulations to Ms. Vinberg and thank you so much for your service on the Board. Robin Wolpert, a private practice attorney from Minneapolis, was appointed Chair of the Board in October 2017. Ms. Wolpert has embraced her role as Chair with enthusiasm, and we look forward to her leadership. Justice David Stras, the Minnesota Supreme Court's liaison justice to the LPRB, was nominated by President Trump, and confirmed by the U.S. Senate, as a judge on the Court of Appeals for the Eighth Circuit. Congratulations to Judge Stras on his appointment to the federal bench! Justice Stras was a wonderful liaison justice: he was engaged and focused on ways to improve the disciplinary system in Minnesota, and he will be missed.

Justice David Lillehaug was named liaison justice to the LPRB. Welcome Justice Lillehaug. Justice Lillehaug reported to members of both the Board and the OLPR how thrilled he is to be the new liaison. He has loved being a lawyer, and really appreciates the important work being done to protect the public and the profession from unethical conduct. Susan Humiston, Director, was reappointed as Director of the OLPR for a two-year term, effective March 7, 2018. Thank you to the Board for the

recommendation for reappointment, and thank you to the Court for reappointment. It is truly an honor to serve the public and legal professional in this interesting and challenging role.

In addition to lots of changes, the Office continued its focus on case processing times. As of June 29, 2018, the number of year-old filed was _____, with _____ under investigation with the OLPR, and the remainder in various stages of litigation. This number is greater than the 115 files more than a year old as of June 28, 2017, and a step back for the Office. The cause of this step back was largely the retirements of two senior attorneys, and the departures of two additional attorneys during the last half of calendar 2017. As every employer knows, it takes time to hire and train new employees. The OLPR is once again at full strength, and we look forward to meeting the Board-established targets of no more than 500 open files, and no more than 100 open files more than one year old, in the near future.

While change can be challenging and our departing colleagues are dearly missed, it has also given us the opportunity to expand the skill sets and practice diversity of attorneys in the OLPR. Among our staff, we have attorneys with prosecution experience, public defender experience, small firm experience, public sector experience, in-house experience, large firm experience, and substantial trial experience. This diversity of practice perspective, in addition to existing core ethics expertise, is invaluable to the Office.

Fiscal year 2017 also marked the year the Board and OLPR prepared its first-ever strategic plan. Over the course of six months, the Strategic Planning Committee sought feedback from hundreds of OLPR stakeholders, engaged in structured analysis around key drivers of change, and conducted a review of the OLPR's strengths, weaknesses, opportunities and threats. In addition to adopting strategic priorities and objectives, the Plan includes a tagline, vision statement, mission statement and regulatory objectives to guide the work of the OLPR. The resulting five-year plan provides a clear framework for the future work of the Office.

Statistics.

Calendar 2017 was a “high average” year for public discipline with 41 attorneys receiving public discipline, down slightly from 44 attorneys in 2016. An “average” year for public discipline is 36. Suspensions remained high at 26. Private discipline was down modestly with 90 admonitions, and 14 private probations, compared to 115 admonitions and 17 private probations in 2016.

A review of attorney demographics shows that similar to 2016, attorneys practicing between 11 - 20 years received the most private and public discipline. Also like 2016, more male attorneys received discipline than female attorneys. In 2017, 77% of private discipline was issued to male attorneys; 23% to female attorneys. The male/female ratio for public discipline in 2017 was identical: 77% male, 23% female. For comparison, in 2016, female attorneys received 18% of private discipline and 9% of public discipline.

Substantively, diligence (Rule 1.3) and communication (Rule 1.4) remain the most frequently violated rules, clients continue to submit the greatest number of complaints (followed by opposing parties), and the most frequent areas of practice generating complaints remain criminal law and family law, followed by general litigation and probate.

The first half of 2018 remains busy in matters of public attorney discipline. Five attorneys year to date have been disbarred, compared to five attorneys total disbarred in 2017. As of June 29, 2018, a total of ____ attorneys have been publicly disciplined: ____ disbarred, ____ suspended, ____ reprimanded and placed on probation and ____ reprimanded. This compares to 17 attorneys at this time a year ago.

Complaint Filings.

The number of complaints received in 2017 was 1,110, down from the number received in 2016 (1,216). This is an approximate 9% decrease in new complaints. Closings were down significantly year-over-year (1,069 vs. 1,264), for a calendar

year-end file inventory of 517. Tables outlining these and related statistics are at A. 3 - A. 10.

Files open at start of 2017:	480
Complaints received in 2017:	1,110
Files closed in 2017:	1,069
Files open at end of 2017:	521

Complaint filings for the first five months of 2018 remain down, with ____ year-to-date; case closings year to date also are down year over year, which is concerning. Significant progress is needed in the remainder of 2018, which is possible with a full complement of attorneys who have been progressing well through training.

Public and Private Discipline.

In 2017, 41 lawyers were publicly disciplined: 5 attorneys were disbarred, 26 were suspended, 5 were reprimanded and placed on probation, 4 were reprimanded, and 1 attorney received an extension of public probation. The five disbarred attorneys were Terri Lynn Fahrenholtz, Diane Lynn Kroupa, Jesse David Matson, Steven Michael O'Brien and Geoffrey R. Saltzstein. The most notable fact about 2017 disbarments was that three of the five attorneys had been in practice ten years or less at the time they were disbarred. Typically, more senior attorneys are the ones disbarred.

During 2017, 90 admonitions were issued. Pursuant to Rule 8(d)(2), RLPR, if “the Director concludes that a lawyer’s conduct was unprofessional but of an isolated and non-serious nature, the Director may issue an admonition.” Prior year totals are as follows:

	2010	2011	2012	2013	2014	2015	2016	2017
Admonitions	120	113	122	143	143	115	115	90
Total Files Closed	1252	1386	1287	1279	1248	1332	1264	1069
%	10%	8%	9%	11%	11%	8%	9%	8%

The areas of misconduct involved in the admonitions are set forth in Table V at A. 6. Fourteen attorneys were placed on private probation, compared to 17 attorneys in 2016.

Other Highlights.

Fiscal year 2018 was a busy year for proposed rule changes. The Minnesota State Bar Association (MSBA) proposed changes to Rule 5.5, Minnesota Rules of Professional Conduct (MRPC), and Rule 1.6, MRPC. The Rule 5.5 proposed changes relate to the unauthorized practice of law in Minnesota, and seek to expand the types of activities non-Minnesota attorneys can engage in in the state, without running afoul of Minnesota's licensing requirements. The LPRB and Director support some of these proposed changes, and are opposed to others.

Additionally, the MSBA proposed changes to Rule 1.6(b)(8) to allow attorneys to disclose confidential information in response to public criticism of an attorney under certain circumstances. The LPRB and Director are opposed to the proposed changes but support amending Rule 1.6(b)(8) to eliminate the word "controversy," and replace it with language proposed by the MSBA that essentially replaces the term "controversy" with "proceeding." These proposals will presumably be before the Court in FY2019.

Annual Professional Responsibility Seminar and Continuing Legal Education Presentations.

On September 29, 2017, the Board and the Director's Office hosted their 32nd annual professional responsibility seminar. Presentations included sessions on the life cycle of a complaint, lawyer well-being, lessons from the DOJ investigations into Ferguson, Missouri, departures from DEC determinations, best practices in report writing and investigations, and a panel presentation for investigators. Justice Stras also presented on key Court ethics decisions.

During the seminar, Justice Stras presented the Volunteer of the Year Award to Terrie Wheeler, who completed her last year on the Board. As a public member volunteer, Ms. Wheeler gave tirelessly of her time and talents, particularly to support the work of DEC volunteers. Justice Stras also recognized Pat Burns, Deputy Director, who retired from the OLPR after 29 years. 2017 was a banner year for Pat, who also won the Hennepin County Bar Association's Professionalism Award, for his contribution to the

ethical practice of law in Minnesota. Pat has always been an outstanding lawyer and advocate for the highest standards in the profession, and he will be missed.

Each year, attorneys in the Office devote substantial time to CLE presentations and other public speaking opportunities in an effort to proactively educate the bar about professional responsibility issues. A full list of those engagements can be found at A. 17 – A. 19. [*Elaborate on proactive outreach.*]

II. LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

Board Members.

The Lawyers Professional Responsibility Board is composed of 23 volunteer members, which includes the Chair, 13 lawyers, and 9 nonlawyers. The terms of Board members are staggered so that there is roughly equal turnover in members each year. Board members are eligible to serve two three-year terms (plus any stub term if applicable). Terms expire on January 31.

This year, Board Chair Robin Wolpert was appointed in October 2017 to succeed resigning Board Chair Stacy Vinberg. Board member Terrie Wheeler completed her second and final term on the Board. Mark Lanterman and MSBA nominee Brent Routman were appointed to full-terms expiring January 31, 2021.

Shawn Judge and Gail Stremel were reappointed to second terms, to expire in 2021. Susan Rhode, who was originally appointed in March 2017 to fill a stub term, was appointed to her first full three-year term. A complete listing of Board members and their backgrounds as of July 1, 2018, is attached at A. 1 – A. 2.

Executive Committee.

The Board has a five-member Executive Committee, charged with oversight of the Director's Office and the Rules on Lawyers Professional Responsibility. The committee consists of Chair Robin Wolpert, Vice-Chair Cheryl Prince, Joseph Beckman, Roger Gilmore and Bentley Jackson. Two members of the Executive Committee are

public members, demonstrating the significant contribution public members make to the Minnesota disciplinary system.

Each member of the Executive Committee has assigned tasks. The Chair directly oversees panel assignments pursuant to Rule 4(f), RLPR, and oversees the Director's review and reappointment process. The Vice-Chair oversees the timely determination of complainant appeals by Board members, reviews dispositions by the Director that vary from DEC recommendations, and reviews complaints against the Director or staff. One member, Bentley Jackson, is the liaison to the OLPR staff; another member, Roger Gilmore, oversees the review of file statistics and aging of files; and member, Joe Beckman, is responsible for addressing any former employee disqualification matters that arise.

Panels.

All members of the Board, other than Executive Committee members, serve on one of six panels which make discipline probable cause and reinstatement determinations. The Board members who act as Panel Chairs are currently: James Cullen, Thomas Evenson, Christopher Grgurich, Gary Hird, Anne Honsa and Susan Rhode.

Standing Committees.

The Board has three standing committees. The Opinion Committee, chaired by Anne Honsa, makes recommendations regarding the Board's issuance of opinions on issues of professional conduct pursuant to Rule 4(c), RLPR. The Rules Committee, chaired by Christopher Grgurich, makes recommendations regarding possible amendments to the MRPC and the RLPR. The DEC Committee, chaired by Peter Ivy, works with the DECs to facilitate prompt and thorough consideration of complaints assigned to them and assists the DECs in recruitment and training of volunteers.

As mentioned previously, the Rules and Opinions Committees spent significant time studying and debating the MSBA proposed rule changes and, with respect to the

Rule 1.6 proposal, its impact on Opinion No. 24, issued by the LPRB in September 2016. The full Board also spent significant time on these proposals, including a special Board meeting in September 2017, and dedicated meeting time at several meetings.

The DEC Committee continued to focus on public member recruitment as well as recruitment of attorney members in districts where term limits have been met. The DEC Committee also focused its efforts on supporting the DEC Chairs, and hosted a very successful DEC Chairs Symposium in May 2018 at the Earle Brown Center in Minneapolis.

III. DIRECTOR'S OFFICE.

A. Budget.

Expenditures for the fiscal year ending June 30, 2018, are projected to be approximately \$_____. The projected reserve balance at the end of FY18 is projected to be \$_____. In June 2017, the Court approved the OLPR budgets for FY18 and FY19. The FY19 budget, which begins July 1, 2018, and runs through June 30, 2019, projects anticipated expenditures of \$_____. Expenses in FY2018 were favorable to budget by approximately \$353,000. This was largely due to the delay in several initiatives such as delays to office security upgrades, courtroom upgrades, and the timing on equipment expenditures. Further, a portion of this savings occurred due to the timing of employee hirers. Expenses in FY2019 will encounter an additional charge of approximately \$50,000 due to proposed change requests for the database project in order to automate additional features. We are currently reviewing overall budget categories to accommodate this additional expense. The database project, launched in 2016, is expected to go live in the fall of 2018.

The Director's Office budget is funded primarily by lawyer registration fees, and therefore is not dependent upon legislative dollars. FY19 projected revenue is essentially flat at \$_____. Accordingly, it is anticipated that the Office will continue to utilize its reserve to fund the revenue shortfall.

In FY18, the Court provided for merit increases for Court employees from a merit pool equal to 2.5% of salaries. All employee salary increases are performance based. In FY19, merit increases will be awarded based on performance appraisals completed in May 2018 for the previous fiscal year. The merit pool for FY19 is anticipated to be equal to 2.5% of salaries.

B. Personnel.

The Director's Office employs 12 attorneys including the Director, 6.5 paralegals, an office administrator, 10 support staff and one law clerk (*see* organizational chart at A. 21).

In this fiscal year, the Office lost three long term staff to retirement, which losses were deeply felt in a small period of time.

- In November 2017:
 - Pat Burns retired from his position as Deputy Director after 29 years with the Office;
 - Jenny Laing resigned her position as panel clerk to work at a position closer to home; and
 - Receptionist/clerk Laurie Johnson was promoted to fill the position of panel clerk vacated by Ms. Laing.
- In December 2017:
 - Craig Klausing retired from his position as attorney after 23 years with the Office;
 - Nicole Frank was hired to fill a vacant attorney position; and
 - Kevin Slator resigned his position as attorney.
- In January 2018, office administrator Tina Munos Trejo confirmed her retirement date of July 6, 2018, after more than 30 years with the Office, and a total of 38 years as a public employee.
- In February 2018:
 - Rebecca Huting and Aaron Sampsel were hired to fill two vacant attorney positions;

- Megan Engelhardt resigned her position as attorney; and
- Quintiny Flakes was hired to fill the receptionist/clerk position vacated by Ms. Johnson.
- In April 2018, Keshini Ratnayake was hired to fill the last vacant attorney position.
- In May 2018, Christine Wengronowitz was hired to fill the office administrator position vacated by Ms. Trejo.
- Three personnel celebrated 30-year service awards: Tricia Jorgensen; Lynda Nelson; and Tina Munos Trejo. Congratulations and thank you to these team members for their years of service to the public.

C. Website and Lawyers Professional Responsibility Board Intranet.

The OLPR website continues to be updated regularly to ensure it remains current. While the site contains a substantial amount of useful information regarding the discipline system, as well as services provided by the Director's Office, it is old and not mobile-friendly. Work on a new website was expected to begin in FY18 but has been moved to FY19. Attached at A. 22 is a recent printout of the home page for the website.

The LPRB and DEC intranet (SharePoint) sites are widely used by volunteer Lawyers Board members, DEC chairs and investigators. More volunteers are using the sites as they come to see the sites are convenient. The Director's Office provides regular training to new and current Board members and DEC volunteers on the use and navigation of the sites. The Office also employs a DEC/SharePoint coordinator as the main contact for volunteers regarding questions about the sites.

D. Complainant Appeals.

Under Rule 8(e), RLPR, a dissatisfied complainant has the right to appeal most dismissals and all private discipline dispositions. Complainant appeals are reviewed by a Board member, other than members of the Board's Executive Committee, selected in rotation. During 2017, the Director's Office received 156 complainant appeals,

compared to 175 appeals received in 2016. The breakdown of the 158 determinations made by reviewing Board members in 2017 is as follows:

		<u>%</u>
Approve Director's Disposition	152	96
Direct Further Investigation	5	3
Instruct Director to Issue an Admonition	0	0
Instruct Director to Issue Charges	1	1

Approximately 140 clerical hours were spent in 2017 processing and routing appeal files. A limited amount of attorney time was expended in reviewing appeal letters and responding to complainants.

E. Probation.

The probation department administers private and public probation in conjunction with attorney discipline. In 2017, 31 new probations were opened. This number represents 29 new probations and two extended probations. The Court extended one public probation on a stipulation for additional discipline. Additionally, the Director and probationer stipulated to a one-year extension of a private probation. There were 37 new probations in 2016. Of the new probations in 2017, 18 were public and the remaining 14 were private. One-third (11) of the public probations were ordered as a condition of reinstatement to the practice of law.

Four of the new probations in 2017 involved lawyers with mental health issues and/or substance use issues; two of the four involved both mental health and substance use issues. Overall, of all open probations in 2017, 23 included a disability-related condition, either mental health, chemical use, or both. Seventeen of the new probations resulted from a lawyer's failure to properly maintain his or her trust account. Close to half (14) of the new 2017 probations involved experienced lawyers who had 20 or more years of practice, including eight lawyers with 30 or more years of practice. The Director filed petitions for revocation of probation and for further discipline in two public probations, one of which awaits a referee hearing for new misconduct. The

Director also revoked two private probations; one is pending a referee hearing and the other attorney was suspended pursuant to Rule 12(c), RLPR.

During 2017, 30 Minnesota attorneys served as volunteer probation supervisors. Three attorneys and two paralegals staff the probation department, and consistently commit between 40 and 50 hours collectively per week. Additional probation statistics can be found at A. 16–A. 17. In 2017, the Director continued efforts to redesign the probation department with a renewed focus on providing more resources to both probationers and supervisors. In alignment with the strategic plan, the Director commits to the study and implementation of recommendations from the August 2017 task force report, *The Path to Lawyer Well-Being*. Each OLPR attorney in the probation department has or will attend the National Conference for Lawyer Assistance Programs to obtain uniform practices. Additionally, the Director has initiated office-wide training on lawyer wellness with Lawyers Concerned for Lawyers (LCL). The Director has also collaborated with LCL and the Board of Law Examiners on education and outreach at the law schools.

F. Advisory Opinions.

Advisory opinions are available to all licensed Minnesota lawyers and judges, and out-of-state attorneys with questions about Minnesota's rules. Advisory opinions are limited to prospective conduct. Questions or inquiries relating to past conduct, third-party conduct (i.e., conduct of another lawyer) or questions of substantive law are not answered. Advisory opinions are not binding upon the Lawyers Board or the Supreme Court; nevertheless, if the facts provided by the lawyer requesting the opinion are accurate and complete, compliance with the opinion would likely constitute evidence of a good faith attempt to comply with the professional regulations. As a part of most Continuing Legal Education presentations by members of the Director's Office, attorneys are reminded of the advisory opinion service and encouraged to make use of it.

The number of advisory opinions requested by Minnesota lawyers and judges increased in 2017. In 2017, the Director's Office received 2,051 requests for advisory

opinions, compared to 1,888 in 2016. This represents a 9% increase over last year.

(A. 11 - A. 12.) Table XIII at A. 13 shows the areas of inquiry of opinions.

In 2017, the Director's Office expended 406 assistant director hours in issuing advisory opinions. This compares with 300 hours in 2016. *[Elaborate on this.]* Dissolution/custody was the most frequently inquired about area of law. Client confidentiality was the most frequent area of specific inquiry, along with conflicts of interest, conflicts-former clients and trust account compliance.

G. Overdraft Notification.

Pursuant to Rule 1.15(j) – (o) of the MRPC, lawyer trust accounts, including IOLTA accounts, must be maintained in eligible financial institutions approved by the Director's Office, and the bank must agree to report all overdrafts on trust accounts to the Director's Office. Administration of the trust account overdraft program includes books and records review and forensic auditing. Individualized education is also provided through the overdraft program to target specific deficiencies and to ensure compliance with Rule 1.15, MRPC, and Appendix 1.

There were 43 trust account overdraft notices reported to the Director in 2017, well below the 52 notices received in 2016, and 75 received in 2015. Of those 43 overdraft notices, 12 resulted in disciplinary files being opened. The most common reasons for commencing an investigation are shortages found, significant record-keeping deficiencies noted, commingling of client and attorney funds and failure to cooperate. There were 38 overdraft inquiries closed by the Director in 2017, far fewer than the 66 closed in 2016. Oftentimes, these closures involve the Director making recommendations to the attorney's record-keeping practices. The most common deficiencies were a lack of strict compliance with the books and records requirements, and a failure to properly reconcile the account.

In 2017, the overdraft inquiries closed without a disciplinary investigation were closed for the following reasons:

Overdraft Cause	No. of Closings
Check written in error on TA	8
Mathematical/clerical error	3
Bank error	4
Service or check charges	7
Late deposit	3
Deposit to wrong account	0
Bank hold on funds drawn	0
Third party check bounced	0
Reporting error	0
Improper/lacking endorsements	0
Other	1

A total of 141.00 hours – 43.25 hours of attorney time and 97.75 of paralegal/staff time – was spent administering the overdraft program in 2017. This was significantly less than the 255.50 hours expended in 2016.

H. Judgments and Collections.

In 2017, judgments totaling \$40,834.68 were entered in 42 disciplinary matters. The Director's Office collected a total of \$28,251 from judgments entered during or prior to 2017. This amount is greater than the amount collected in four of the past eight years, but below the amounts collected in 2015 and 2016. In 2017, the Director received \$761 toward judgments through the Department of Revenue recapture program.

I. Disclosures.

The disclosure department responds to written requests for attorney disciplinary records. Public discipline is always disclosed. Private discipline is disclosed only with an executed authorization from the affected attorney. In addition, the Director's Office responds to telephone requests for attorney public discipline records. Public discipline information also is available through the OLPR website. Informal telephone requests and responses are not tabulated. The following formal requests were received in 2017:

	<u>No. of Requests</u>	<u>No. of Attorneys</u>	<u>Discipline Disclosed</u>	<u>Open Files</u>
A. National Conference of Bar Examiners	188	188	9	0
B. Individual Attorneys	364	364	23	1
C. Local Referral Services				
1. RCBA	9	44	1	0
2. Hennepin County	0	0	0	0
D. Governor's Office	16	43	4	0
E. Other State Discipline Counsels/State Bars or Federal Jurisdiction	87	87	0	0
F. F.B.I.	25	26	0	0
G. MSBA: Specialist Certification Program	10	115	4	3
H. Miscellaneous Requests	30	77	3	0
TOTAL	729	944	44	4
(2016 Totals for comparison)	709	983	44	7

J. Trusteeships.

Rule 27(a), RLPR, authorizes the Supreme Court to appoint the Director as trustee of an attorney's files or trust account when no one else is available to protect the clients of a deceased, disabled or otherwise unavailable lawyer. In FY18, the Director was appointed trustee of the client files belonging to four attorneys who were either deceased or had abandoned their practice: Rachel Bengtson-Lang, Francis Muelken, Ronald Resnick and Jan Stuurmanns. For the second year in a row, this is an unusually high number of trusteeships to be handled by the Director's Office in a short period of time. Typically, the Office sees one a year. In each of these matters, the Director has inventoried client files and attempted to contact each client whose file is less than seven years old.

During 2017, the Director was appointed trustee of the client trust accounts of two attorneys: Ronald Resnik and Jan Stuurmanns. The Director gathered bank records for both accounts in order to determine entitlement to the funds in those accounts.

The following trust account trusteeships remained open from the prior year: Roger Belfay, William Aase, Access Justice (Thomas Handorff) and John Tackett. The Director completed her audits of all these accounts and has been discharged as trustee of the Belfay, Access Justice and Tackett trust accounts. The Aase trust account trusteeship remains open.

The Director continues to retain the following files:

- Hugh P. Markley trusteeship—19 files were expunged in December 2017. The remaining 574 wills are eligible for expunction in December 2019.
- Roger Lincourt Belfay trusteeship—140 files which are eligible for expunction in April 2021.
- Michael J. Corbin trusteeship—213 files which are eligible for expunction in March 2021.
- Michael Joseph Keogh trusteeship—121 files which are eligible for expunction in June 2020.
- John Wade Tackett trusteeship—97 files which are eligible for expunction in September 2020.

K. Professional Firms.

Under the Minnesota Professional Firms Act, Minn. Stat. § 319B.01 to 319B.12, professional firms engaged in the practice of law must file an initial report and annual reports thereafter demonstrating compliance with the Act. The Director's Office has handled the reporting requirements under this statute since 1973. Annual reports are sought from all known legal professional firms, which include professional corporations, professional limited liability corporations and professional limited liability partnerships. The filing requirements for professional firms are described on the OLPR website.

Professional firms pay a filing fee of \$100 for the first report and a \$25 filing fee each year thereafter. In reporting year 2016 (December 1, 2016 – November 30, 2017), there were 151 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of April 30, 2018, the Director's

Office received \$65,275 from 2,360 professional firm filings. There were 83 new professional firm filings for the current reporting year. The Director's Office received \$74,950 during fiscal year 2017.

An assistant director, paralegal, and administrative clerk staff the professional firms department. For fiscal year 2018 (as of April 30, 2018), the total attorney work time for overseeing the professional firms department was 115 hours. The total non-attorney work time was 587.50 hours.

IV. DISTRICT ETHICS COMMITTEES (DECs).

Minnesota is one of only a few jurisdictions which continue to extensively use local volunteers to conduct the preliminary investigation of the majority of ethics complaints. The Supreme Court Advisory Committee considered the continued vitality of the DEC system in 2008 and determined that the Minnesota system continues to work well and strongly urged its continuation. Each DEC corresponds to the MSBA bar districts, and each is assigned a staff lawyer from the OLPR as a liaison to that DEC. Currently, there are approximately 279 DEC volunteers.

Initial review of complaints by practitioners and nonlawyers is valuable in reinforcing confidence in the system. The overall quantity and quality of the DEC investigative reports remain high. For calendar year 2017, the Director's Office followed DEC recommendations in 82% of investigated matters which were closed during the year. Many of the matters in which the recommendation was not followed involved situations in which the DEC recommended a particular level of discipline, but the Director's Office sought an increased level of discipline. This typically involved attorneys with prior relevant discipline that was not considered by the DEC in making its recommendation. These matters are counted as not following the DEC recommendation.

In 2017, the monthly average number of files under DEC consideration was 96, fluctuating between a low of 69 and a high of 116. The year-to-date average for 2018 is 75, as of April 30, 2018. Rule 7(c), RLPR, provides a 90-day goal for completing the DEC

portion of the investigation. For calendar year 2017, the DEC's completed 279 investigations, taking an average of 3.8 months to complete each investigation.

For calendar year 2017, of the completed DEC investigations statewide, the following dispositions were made (measured by the number of files, rather than lawyers):

Determination discipline not warranted	169
Admonition	44
Private probation	2

The annual seminar for DEC members, hosted by the Office and the Board, will be held this year on Friday, September 28, 2018. All DEC members, plus select members of the bench and bar with some connection to the discipline system, are invited. The seminar will be held at the Earle Brown Heritage Center in Brooklyn Center. Active DEC members attend the annual DEC Seminar at no cost.

Rule 3(a)(2), RLPR, requires that at least 20% of each DEC be nonlawyers. The rule's 20% requirement is crucial to the integrity of the disciplinary system and to the public's perception that the system is fair and not biased in favor of lawyers. Compliance with that requirement has improved since 2011, when 11 of the 21 DEC's did not meet the 20% non-lawyer membership requirement. As of May 1, 2018, three districts are not in full compliance. The Office and Board continue to work with these districts to bring them into compliance.

V. FY2019 GOALS AND OBJECTIVES.

The OLPR has two primary objectives for FY19: compliance with the Board goal of no more than 100 cases more than one year old, and beginning implementation of the Strategic Plan. In addition to meeting Board goals, the Office will also work toward the goal of all cases charged or dispositioned within one year. As it relates to the Strategic Plan, the Plan establishes four priorities: (1) Partner with the Board and legal community to provide proactive, educational resources designed to promote

competence, ethical practices, professionalism, and well-being in the legal profession; (2) Maintain operational excellence to ensure the ability to execute the mission of the Office; (3) Strengthen awareness of and confidence in the attorney regulation system; and (4) Strengthen organizational competence and efficiency by ensuring OLPR staff and DEC volunteers have the skills and support necessary to tackle forthcoming challenges within the legal profession. Although each are important, early emphasis will be around lawyer well-being and training, and DEC support and training.

Dated: July ____, 2018.

Respectfully submitted,

SUSAN M. HUMISTON
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY

and

ROBIN M. WOLPERT
CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

Robin M. Wolpert, St. Paul - Chair. Attorney member. MSBA nominee. Partial term expires January 7, 2019. Serves on LPRB Executive Committee and DEC Committee. Served on Nineteenth District Ethics Committee for seven years. Served as MSBA President from 2016 - 2017. Attorney at Sapia Law Group in Minneapolis. Principal areas of practice: Appellate practice, white collar criminal defense, complex civil litigation, and data privacy.

Cheryl M. Prince, Duluth - Vice Chair. Attorney member. Term expires January 31, 2019. Serves on LPRB Executive Committee and Rules Committee. Shareholder in the Duluth firm of Hanft Fride, P.A. Served on Eleventh District Ethics Committee for many years, including six years as Chair. Areas of law: Family law and mediation.

Joseph P. Beckman, Edina - Attorney member. MSBA nominee. Term expires January 31, 2020. Serves on LPRB Executive Committee and Opinion Committee. Partner in the law firm of Hellmuth & Johnson. Areas of law: Current - Business Transactions (corporate governance, commercial transactions, technology); Past - Civil Litigation (contract disputes, business breakups, insurance coverage).

Jeanette M. Boerner, Minneapolis - Attorney member. First term expires January 31, 2020. Hennepin County First Assistant Public Defender. Area of law: 25 years experience in criminal defense work.

James P. Cullen, Minneapolis - Attorney member. MSBA nominee. Term expires January 31, 2020. Serves on LPRB Rules Committee. Served on Hennepin County District Ethics Committee for eight years. Owner of Cullen Law Firm, Ltd. Areas of legal experience: Commercial and individual client litigation in state and federal courts; personal injury and professional liability civil actions; representation of medical professionals in civil, criminal and peer review matters and proceedings; criminal defense in state and federal courts; and service as an arbitrator in American Arbitration Association commercial and no-fault arbitration proceedings.

Norina Jo Dove, Minneapolis - Public member. Term expires January 31, 2019. Employed as a Senior Paralegal and Business Manager at MacLean & Michales Family Law. Areas of expertise: Family Law, Debtor/Creditor, Real Estate and Business Litigation.

Thomas J. Evenson, Minneapolis - Attorney member. MSBA nominee. Term expires January 31, 2021. Shareholder at Lind, Jensen, Sullivan & Peterson, PA. Participant in Minnesota Automobile Assigned Claims Bureau, MSBA Assembly, and Hamline University School of Law Alumni Association Board. Areas of law: General litigation, with an emphasis on products liability, wrongful death, construction defects, and fraud.

Roger Gilmore, Brooklyn Park - Public member. Term expires January 31, 2020. Serves on LPRB Executive Committee and DEC Committee. Served 10 years on Hennepin County District Ethics Committee. Served as member of the Supreme Court Advisory Committee to Review Lawyer Discipline System 2007-2008. Retired Captain, U.S. Navy Supply Corps., and retired Manager, FMC Corporation, Fridley. Areas of expertise: Defense Department contracting; contract administration and claims resolution; logistic support; program management; community mediation.

Christopher A. Grgurich, Minneapolis - Attorney member. MSBA nominee. First term expires January 31, 2019. Chair of LPRB Rules Committee. Partner at Ballard Spahr. Focus on securities and commercial litigation. Also serves as Loss Prevention Partner to assist partners and associates in meeting and understanding their ethical obligations under the MRPC. Served three years on Fourth District Ethics Committee. Chair of Hennepin County Bar Assn. Professionalism and Ethics Section.

Mary L. Hilfiker, St. Paul - Public member. Term expires January 31, 2020. Serves on the LPRB DEC Committee. Served on Second District Ethics Committee. Education Specialist/Consultant for University of Wisconsin and Bureau of Indian Education. Areas of expertise: Special education, mediation, arbitration, investigation, public administration and FINRA arbitrator.

Gary M. Hird, St. Paul - Attorney member. MSBA Nominee. Term expires January 31, 2021. Serves on the LPRB Rules Committee. Served on Tenth District Ethics Committees. Areas of law: Family, real estate, bankruptcy, juvenile, criminal and corporate law as well as labor relations.

Anne M. Honsa, Minneapolis - Attorney member. Term expires January 31, 2019. Chair of LPRB Opinion Committee. Served on the Fourth District Ethics Committee for 12 years - four years as Vice-Chair. Founder of Honsa Rodd Landry. Area of law: Family Law.

Peter Ivy, Chaska - Attorney member. First term expires February 1, 2020. Chair of LPRB DEC Committee. Serves as Chief Deputy Carver County Attorney. Carries a felony caseload and provides legal advice to all Carver County officials and divisions. Serves as Co-Chair of the Minnesota County Attorneys Association's Ethics Committee. Area of practice: Currently involves conducting internal investigations for Carver County.

Bentley R. Jackson, St. Paul - Public member. Term expires January 31, 2020. Serves on LPRB Executive Committee. Operations Specialist for Children's Minnesota. Adjunct instructor and retired Burnsville police sergeant. Areas of expertise: Risk management, criminal and internal investigations, and project management.

Shawn Judge, Minneapolis - Public member. Term expires January 31, 2021. President and founder of The Speaker's Edge, LLC. Areas of expertise: Strategic-communications consultant and certified Qualified Administrator of the Intercultural Discovery Inventory, experienced in leading small-group and individual training sessions to develop confident speakers who get results. Clients include attorneys from major law firms and corporate executives.

Virginia Klevorn, Plymouth - Public member. First term expires February 1, 2020. Served on Fourth District Ethics Committee for three years. Business management consultant specializing in alternative dispute solution services.

Michael J. Leary, Burnsville - Public member. Term expires January 31, 2019. Serves on LPRB DEC Committee. Served on the First District Ethics Committee for two years and the Second District Ethics Committee for three years. Retired as Executive Vice President of International Dairy Queen, Inc. Areas of expertise: Mediation and arbitration; management and contract issues.

Susan C. Rhode, Minneapolis - Attorney member. Term expires January 31, 2021. Served as Fourth District Ethics Committee Chair for six years. Partner at Moss & Barnett. Area of practice: Family law focusing on complex financial issues in dissolution matters.

Brent E. Routman, Minneapolis - Attorney member. MSBA nominee. Partial term expires January 31, 2019. Serves on LPRB Rules Committee. Served on Hennepin County District Ethics Committee. Partner and General Counsel at Merchant & Gould. Past President of the MSBA and HCBA and former chair of the ABA/IPL Ethics Committee. Member of the Association of Professional Responsibility Lawyers. Areas of practice: Intellectual Property, licensing, contested matters and agreements.

Gail Stremel, St. Paul - Public member. Term expires January 31, 2021. Serves on LPRB Rules Committee. Served on Ramsey County District Ethics Committee for six years. Served as division director of public assistance programs at Ramsey County Community Human Services. Area of expertise: Public administration.

Bruce R. Williams, Virginia - Attorney member. Partial term expires January 31, 2019. Serves on LPRB DEC Committee. Served as Twentieth District Ethics Committee Chair from 2011 to 2017. Served as Chair for the Supreme Court Board of Continuing Legal Education from 2001 - 2002. Appointed to the Minnesota Supreme Court Advisory Committee to Review the Lawyer Discipline System in July 2007. Part-time attorney for the Sixth Judicial Public Defenders Office in Virginia, Minnesota, since 1990. Sole practitioner. Areas of expertise: General litigation, family, criminal defense. Certified as a criminal trial specialist since 2005.

Allan Witz, Rochester - Attorney member. First term expires January 31, 2020. Serves on LPRB DEC Committee. Attorney, mediator and arbitrator who practices in the Rochester, Minnesota office of Witz Law P.A. Licensed to practice law in Minnesota, Florida, Michigan, and South Africa (inactive). Served three years on the Third District Ethics Committee. Former Chair of the Third District Bar Association Fee Dispute Resolution Committee. Former President of the Olmsted County Bar Association. Former President of the Third District Bar Association. Principal practice areas: Business law, estate planning and immigration law.

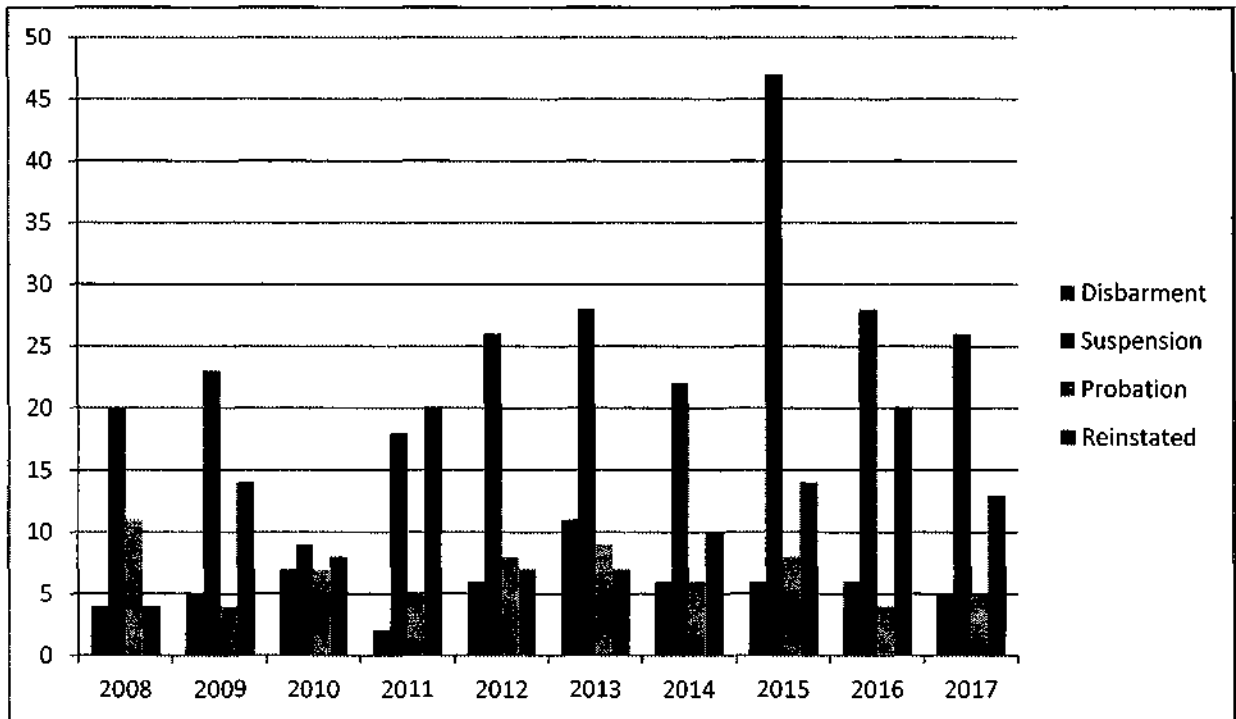
Table I
Complaint Statistics 2000–2017

<u>Year</u>	<u>Files Opened</u>	<u>Files Closed</u>
2000	1362	1288
2001	1246	1277
2002	1165	1226
2003	1168	1143
2004	1147	1109
2005	1150	1148
2006	1222	1171
2007	1226	1304
2008	1258	1161
2009	1206	1229
2010	1366	1252
2011	1341	1386
2012	1287	1287
2013	1256	1279
2014	1293	1248
2015	1210	1332
2016	1215	1264
2017	1110	1069

TABLE II
Supreme Court Dispositions and Reinstatements 2008-2017
Number of Lawyers

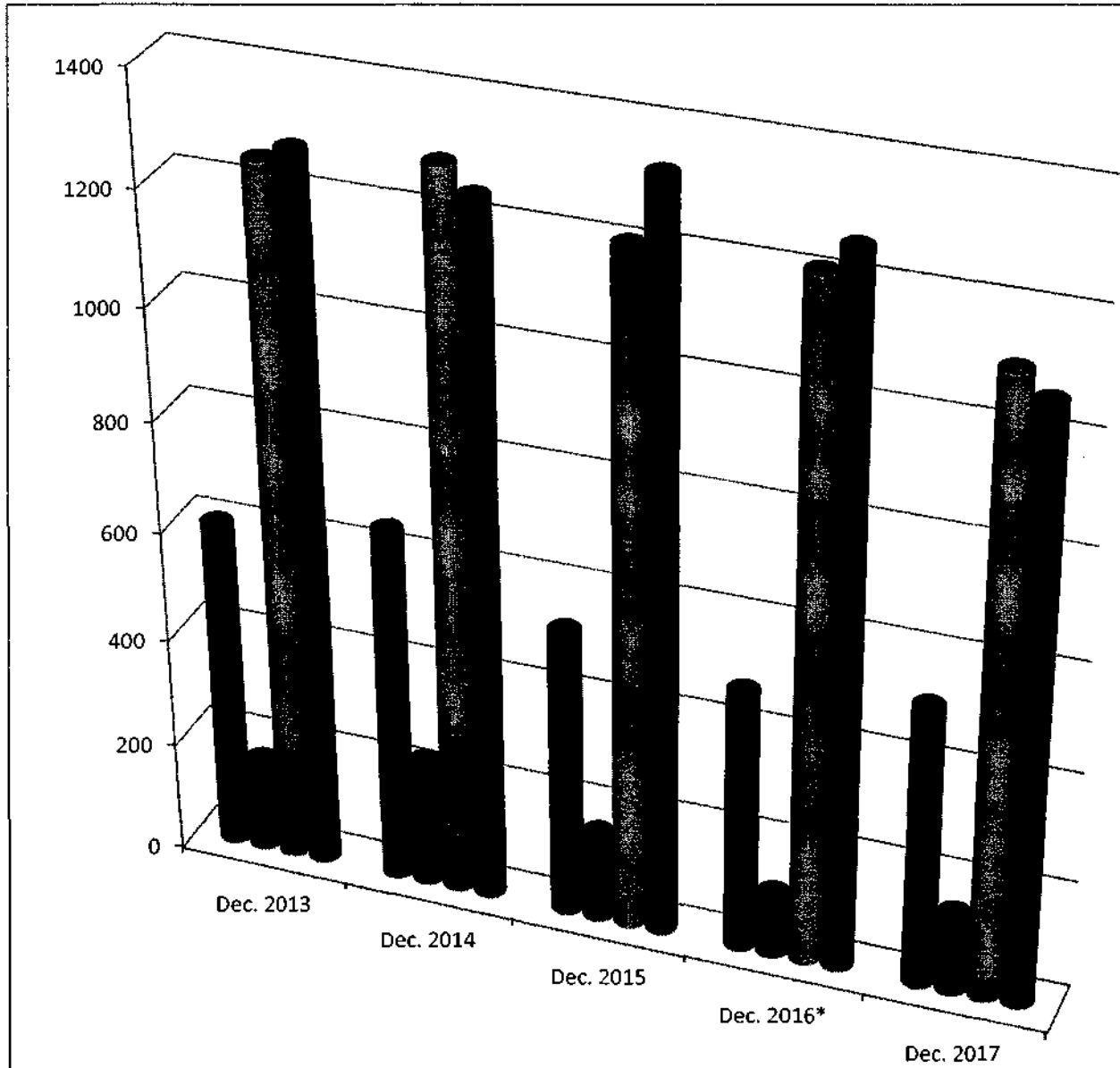
	Disbar.	Susp.	Reprimand Probation	Reprimand	Dismissal	Reinstated	Reinstated Denied	Disability	SC AD/Aff	Other	Total
2008	4	20	11	2	-	4	2	2	-	-	45
2009	5	23	4	6	-	14	1	1	-	-	54
2010	7	9	7	3	1	8	2	4	-	-	41
2011	2	18	5	2	-	20	-	1	-	-	48
2012	6	26	8	1	1	7	-	-	-	-	49
2013	11	28	9	4	-	14	-	2	-	-	68
2014	6	22	6	5	-	10	1	0	0	1**	51
2015	6	47	8	4	-	14	-	1	-	-	80
2016	6	28	4	6	2	20	2	2	1	1**	72
2017	5	26	5	4	-	13	-	3	1	-	58

TABLE III
Disbarments, Suspensions, Probations and Reinstatements 2008-2017



**Reinstatement dismissed

TABLE IV
File Openings, Closings and Year Old Files 2013-2017



	Dec. 2013	Dec. 2014	Dec. 2015	Dec. 2016*	Dec. 2017
■ Total Open Files	605	650	528	480	517
■ Cases at Least One Year Old	168	231	161	115	149
■ Complaints Received YTD	1,253	1,293	1,210	1,216	1,110
■ Files Closed YTD	1,279	1,248	1,332	1,264	1,069

* Dec. 2016 numbers do not match text.

**TABLE V
AREAS OF MISCONDUCT-ADMONITIONS 2017***



*In 2017, the Office issued 90 admonitions involving 259 rule violations.

This chart reflects the number of rule violations involved in those 90 admonitions, organized by area of misconduct.

TABLE VI
Percentage of Files Closed

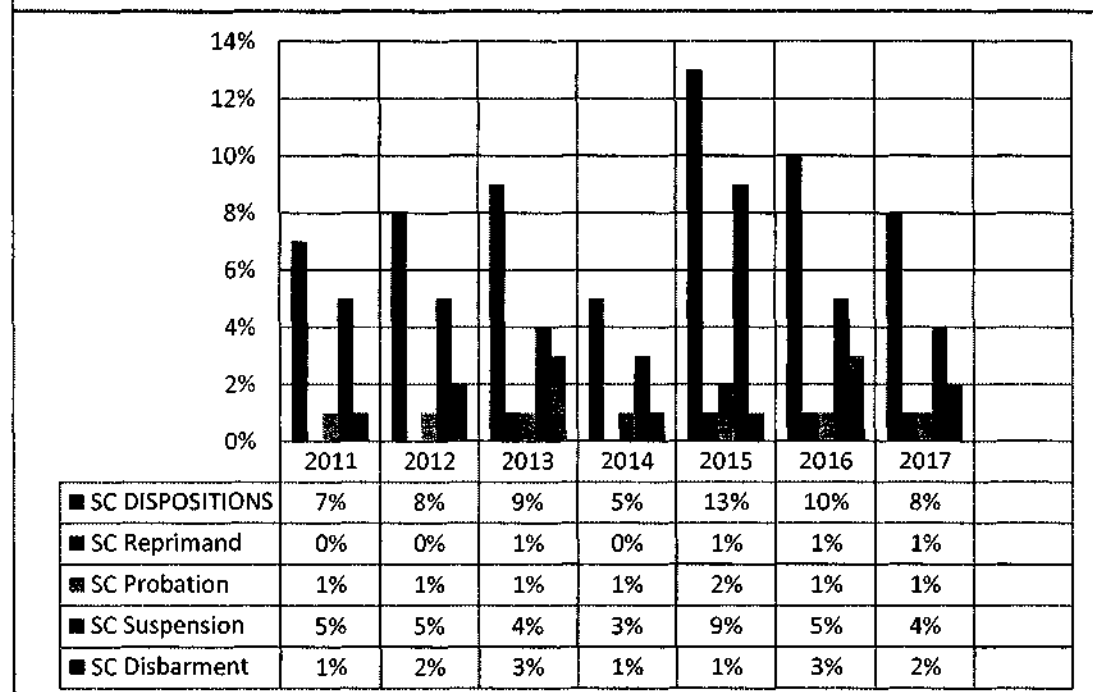
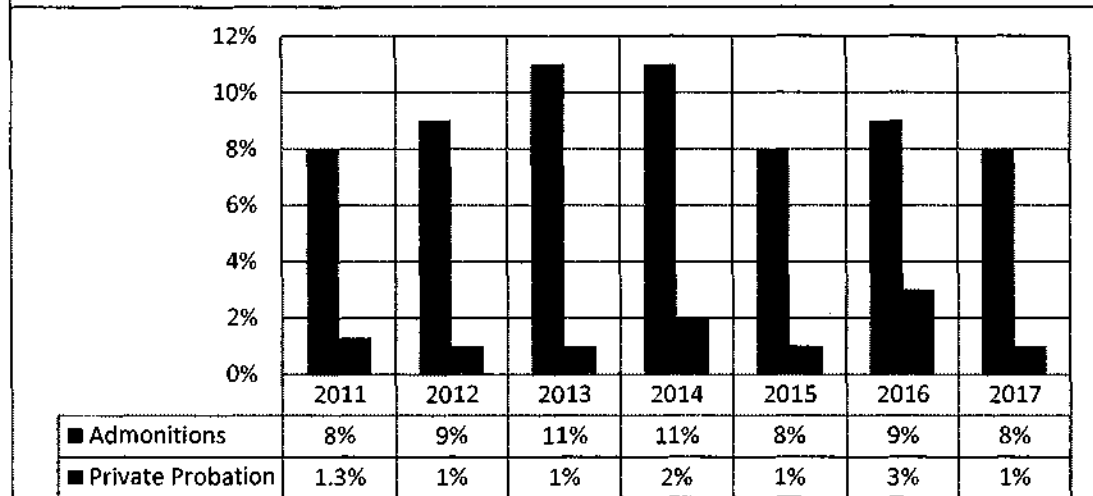
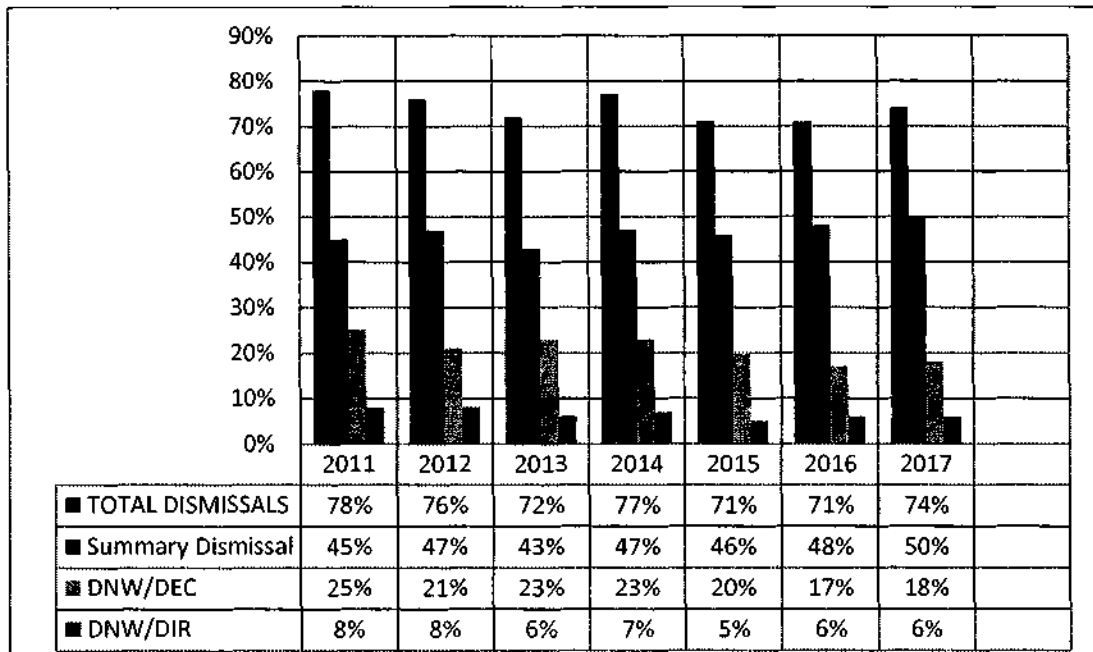


TABLE VII

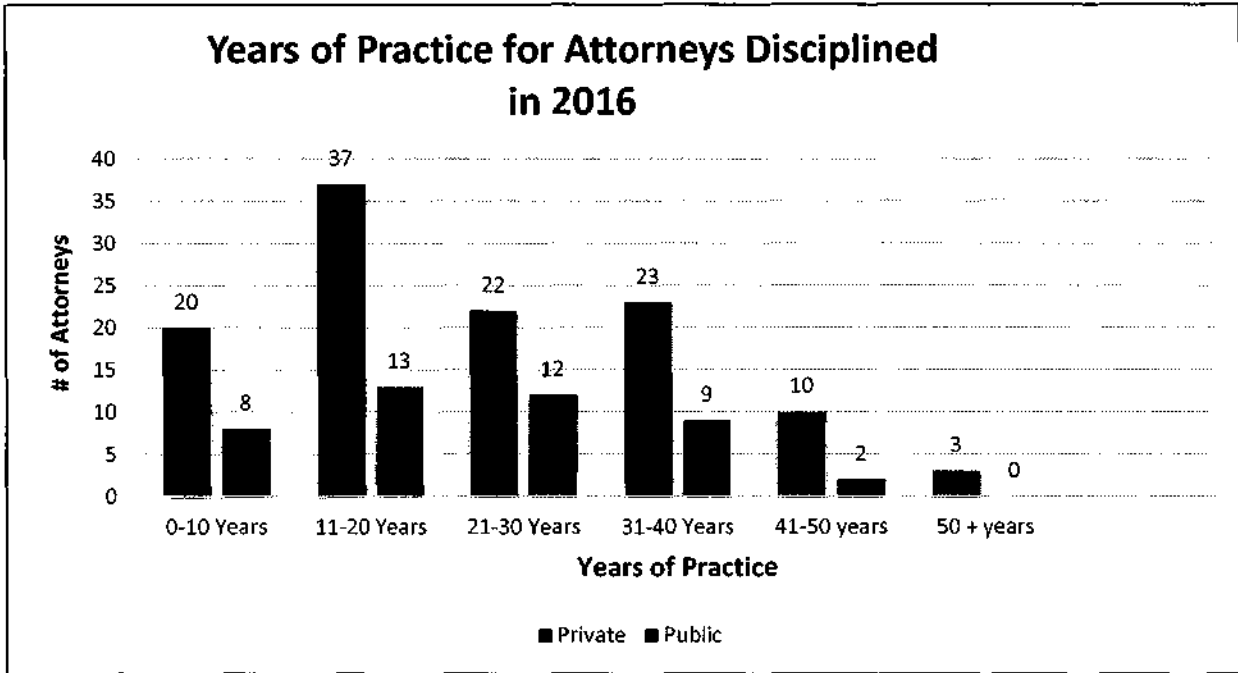


TABLE VIII

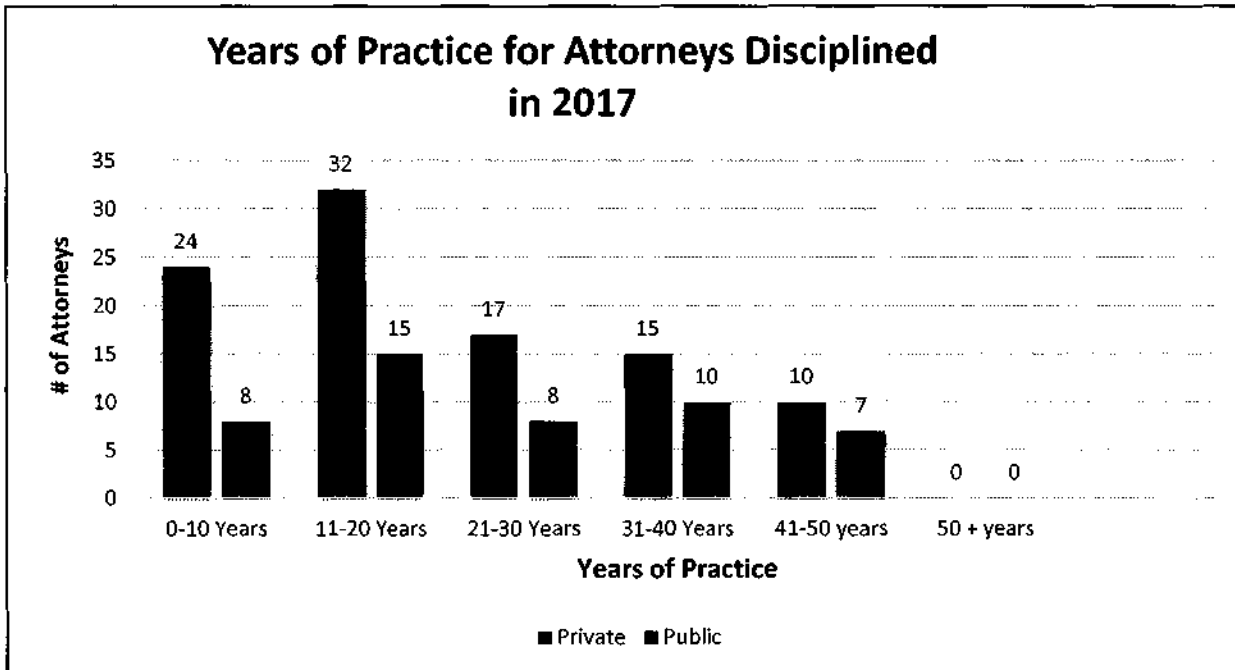
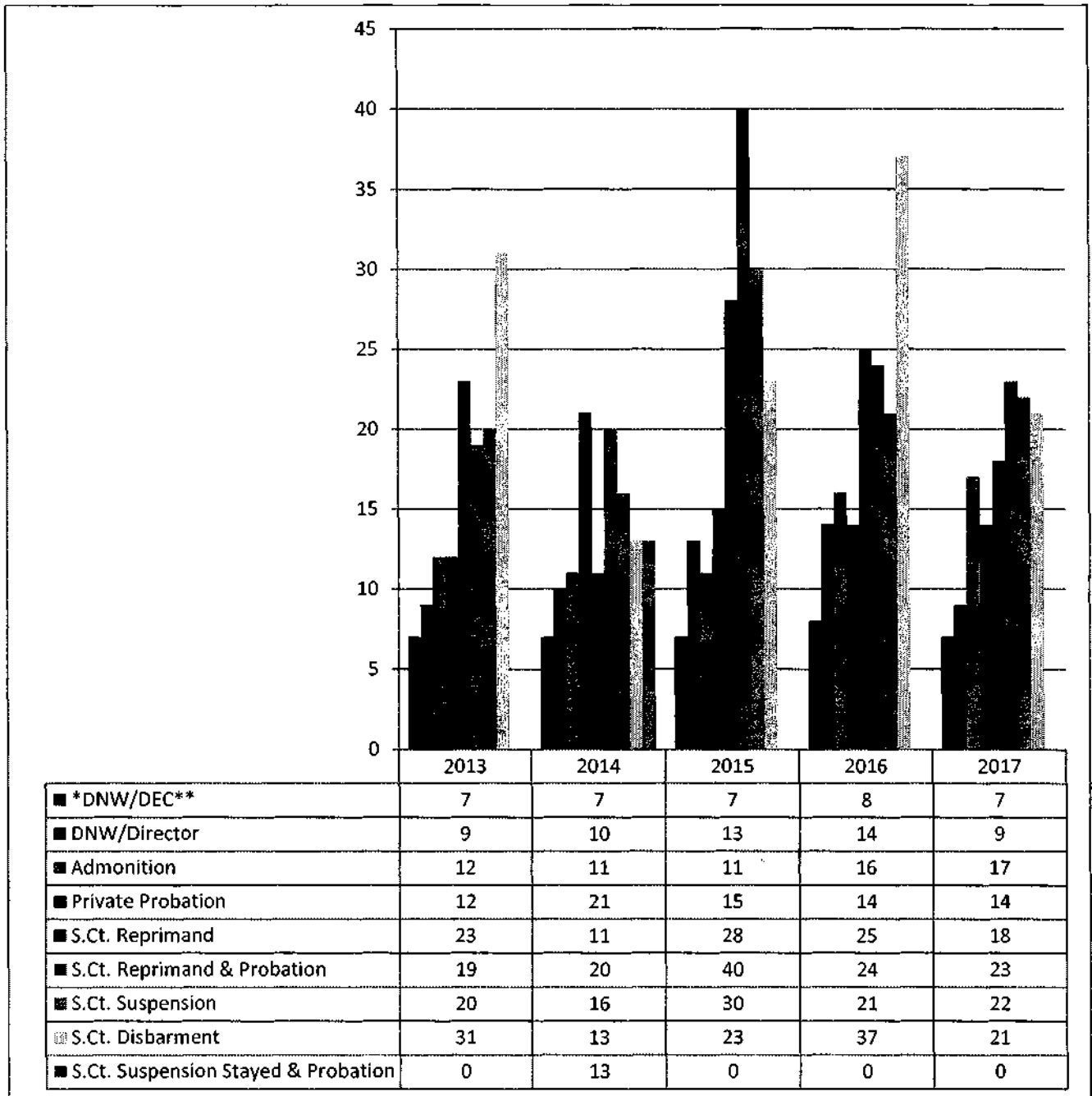


TABLE IX
Average Number of Months File was Open at Disposition

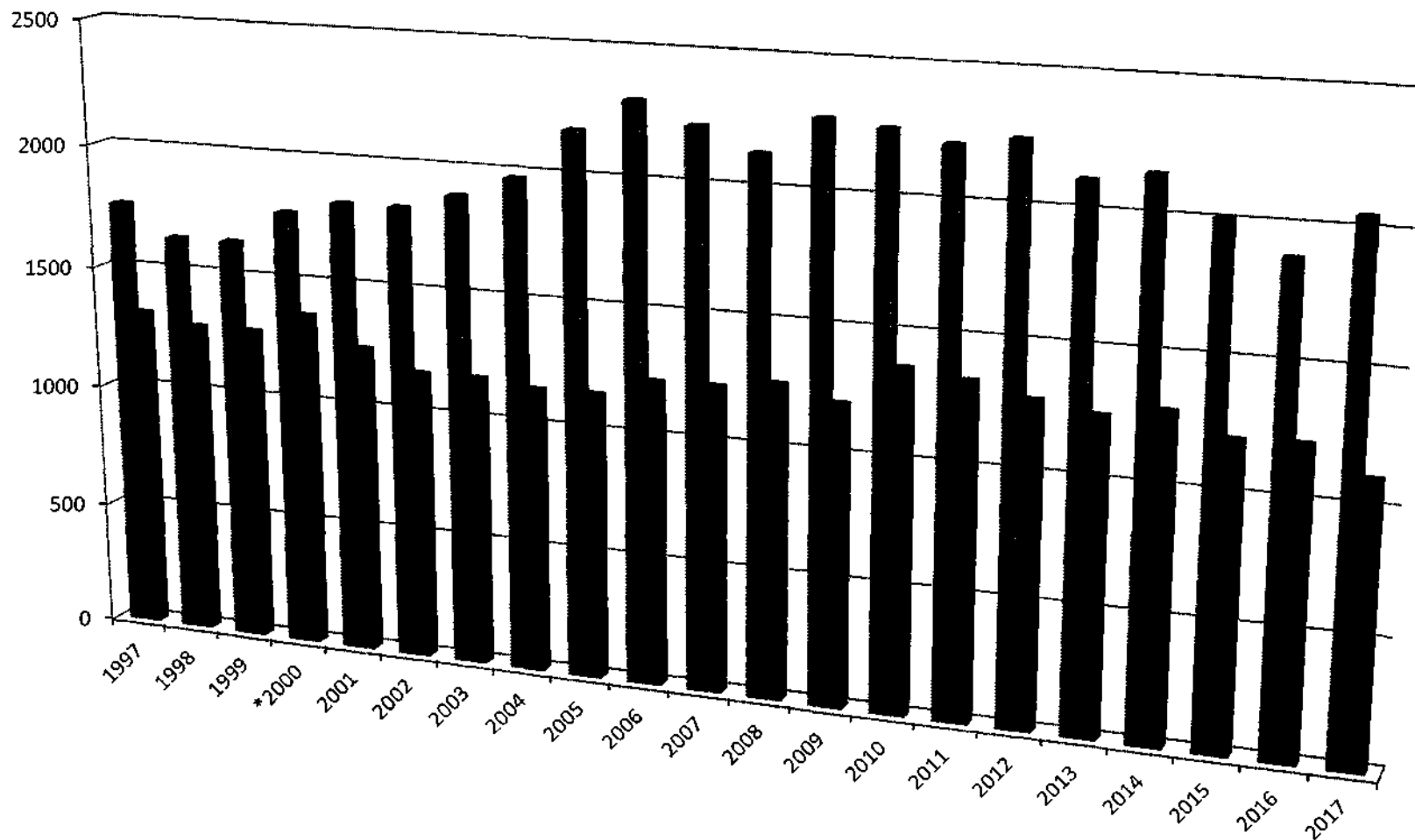


*Discipline Not Warranted
**District Ethics Committee

TABLE X
PUBLIC DISCIPLINE DECISIONS 1985-2017

Year	Disbarments	Suspensions (all)	Probations	Reprimands	Total
1985	4	13	13	12	42
1986	7	17	2	4	30
1987	5	18	4	7	34
1988	4	22	7	5	38
1989	5	19	8	3	35
1990	8	27	10	10	55
1991	8	14	10	6	38
1992	7	16	7	5	35
1993	5	15	12	3	35
1994	8	5	7	0	20
1995	6	27	8	4	45
1996	4	27	5	0	36
1997	10	16	7	2	35
1998	15	18	10	2	45
1999	3	12	6	0	21
2000	6	19	10	2	37
2001	3	15	9	2	29
2002	4	18	6	1	29
2003	6	14	4	0	24
2004	5	10	3	1	19
2005	6	22	6	1	35
2006	8	26	9	5	48
2007	5	21	5	0	31
2008	4	20	11	2	37
2009	5	23	4	6	38
2010	7	9	7	3	26
2011	2	17	5	2	26
2012	6	24	8	1	39
2013	11	23	8	5	47
2014	6	19	5	5	35
2015	6	47	8	4	65
2016	6	28	4	6	44
2017	5	26	6	4	41
TOTALS	200	647	234	113	1194

TABLE XI
Advisory Opinion Requests Received
and
Number of Complaints Opened
1997 - 2017



	1997	1998	1999	*2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
■ Advisory Opinions Received	1757	1632	1635	1770	1824	1825	1889	1974	2177	2307	2223	2135	2282	2258	2215	2249	2116	2156	2012	1888	2051
■ Complaints Opened	1314	1275	1278	1362	1246	1165	1168	1147	1150	1222	1226	1257	1206	1365	1337	1287	1253	1293	1210	1216	1110

* 2000 total advisory opinions (AO) received was revised to reflect additional AO's not previously included.

TABLE XII
Advisory Opinions 1991-2017

YEAR	OPINIONS GIVEN BY TELEPHONE	OPINIONS GIVEN IN WRITING	TOTAL OPINIONS GIVEN	OPINIONS DECLINED	TOTAL
1991	1083 (84%)	23 (2%)	1106 (86%)	186 (14%)	1292
1992	1201 (86%)	15 (1%)	1216 (87%)	182 (13%)	1398
1993	1410 (87%)	16 (1%)	1426 (88%)	201 (12%)	1627
1994	1489 (84%)	10 (1%)	1499 (85%)	266 (15%)	1765
1995	1567 (87%)	22 (1%)	1589 (88%)	206 (12%)	1795
1996	1568 (88%)	16 (1%)	1584 (89%)	199 (11%)	1783
1997	1577 (90%)	15 (1%)	1592 (91%)	165 (9%)	1757
1998	1478 (91%)	23 (1%)	1501 (92%)	131 (8%)	1632
1999	1464 (90%)	17 (1%)	1481 (91%)	154 (9%)	1635
2000	1600 (90%)**	28 (2%)	1628 (92%)**	142 (8%)	1770*
2001	1682 (92%)	9 (.5%)	1691 (93%)	133 (7%)	1824
2002	1695 (93%)	15 (.8%)	1710 (94%)	115 (6%)	1825
2003	1758 (93%)	9 (.5%)	1767 (94%)	122 (6%)**	1889
2004	1840 (93%)	3 (.2%)	1843 (93%)	131 (7%)	1974
2005	2041 (94%)	1 (.5%)	2042 (94%)	135 (6%)	2177
2006	2119 (92%)	2 (.8%)	2121 (92%)	186 (8%)	2307
2007	2080 (94%)	2 (.9%)	2082 (94%)	141 (6%)	2223
2008	1982 (93%)	2 (.9%)	1984 (93%)	151 (7%)	2135
2009	2137 (94%)	1 (.4%)	2138 (94%)	144 (6%)	2282
2010	2134 (95%)	2 (.0%)	2136 (95%)	122 (5%)	2258
2011	2080 (99%)	2 (.0%)	2082 (94%)	133 (6%)	2215
2012	2137 (99%)	4 (.0%)	2141 (95%)	108 (5%)	2249
2013	1976 (93%)	3 (.0%)	1979 (94%)	137 (6%)	2116
2014	2020 (94%)	1 (.0%)	2021 (94%)	135 (6%)	2156
2015	1866 (93%)	3 (.0%)	1869 (93%)	143 (7%)	2012
2016	1770 (94%)	2 (.0%)	1772 (94%)	116 (6%)	1888
2017	1912 (93%)	1 (.0%)	1913 (93%)	138 (7%)	2051

* 2000 totals revised to reflect additional AOs that were not previously included.

** Percentage amount corrected.

Table XIII			
Advisory Opinions Subject Matter by Rule*			
Rule	Description	2016	2017
1.1	Competence	17	17
1.2	Scope of Representation	52	51
1.3	Diligence	7	9
1.4	Communication	50	82
1.5	Fee Agreements and Fees - Generally	119	93
1.6	Client Confidentiality	271	328
1.7	Conflict of Interest - Generally	279	273
1.8	Conflict of Interest - Transactions	69	59
1.9	Conflict - Former Clients Generally	193	186
1.10	Imputed Disqualification - Generally	41	41
1.11	Government Lawyer Conflicts Generally	13	23
1.12	Former Judges & Law Clerks	8	8
1.13	Organization as Client	25	20
1.14	Disabled Client - Generally	38	68
1.15	Trust Accounts - Generally	162	208
1.16	Withdrawal from Representation	281	271
1.17	Sale or Termination of Law Practice	50	37
1.18	Prospective Clients	43	40
2.1	Advisor	0	1
2.4	Lawyer Serving as 3rd Party Neutral	4	0
3.1	Meritorius Claims	10	17
3.2	Expediting Litigation	2	3
3.3	Candor Toward the Tribunal	49	43
3.4	Fairness to Opposing Counsel	30	34
3.5	Contact with Jurors or venire	2	1
3.6	Trial Publicity	0	5
3.7	Attorney as Witness	15	20
3.8	Special Prosecutor Duties	5	0
4.1	Candor to Others	7	10
4.2	Contact with Represented Party	72	76
4.3	Contact with Unrepresented Party	30	27
4.4	Respect for Third Persons' Rights	26	33
5.1	Supervisory Lawyers	2	0
5.2	Subordinate Lawyers	1	5
5.3	Non-Lawyer Employees	8	6
5.4	Professional Independence	13	17
5.5	Unauthorized Practice	76	101
5.6	Covenants Not to Compete	7	5
5.7	Responsibilities Regarding Law Related Services	3	4
5.8	Employment of Suspended Attorney	8	4
6.1	Voluntary Pro Bono	1	0
6.3	Legal Services Organizations	0	0
6.5	Pro Bono Limited Legal Services Programs	2	3
7.1	Advertising Generally	25	27
7.2	Technical Requirements	16	19
7.3	Solicitation Generally	29	23
7.4	Specialization	0	2
7.5	Letterhead & Firm Name	25	31
8.1	Admission and Discipline	2	2
8.2	Legal Officials	1	0
8.3	Duty to Report Attorney Misconduct	69	78
8.4	Misconduct	47	58
99	Dormant File Procedures	100	151
	Totals	2405	2620

* Some calls involve more than one rule.

2017 OLPR Summary of Public Matters Decided

57 Decisions Involving 96 Files

Disbarment	18 files	5 attorneys	Reprimand	4 files	4 attorneys
FAHRENHOLTZ, TERRI LYNN	A15-1227	1	HISLOP, TERENCE JAMES	A17-877	1
KROUPA, DIANE LYNN	A17-1277	1	PADDEN, MICHAEL BRADY	A17-1190	1
MATSON, JESSE DAVID	A16-137	7	SATER, KELLY MOORE	A17-541	1
O'BRIEN, STEVEN MICHAEL	A15-2042	2	USUMANU, ALBERT ISIAKA	A17-1495	1
SALTZSTEIN, GEOFFREY R	A16-1308	7			
Suspension	47 files	26 attorneys	Probation Extended	1 files	1 attorneys
ADAMS POWELL, KARLOWBA R.	A17-386	1	PEARSON, TODD CURTIS	A17-1613	1
ASK, MITCHELL J	A17-969	1	Disability Inactive Status	7 files	3 attorneys
BONNER, JOHN F III	A15-1813	1	OLMON, JOHN E	A17-511	2
BOSMAN, PAUL JOSEPH	A15-1930	1	ROJAS, SARA MARIE GRANT	A16-92	4
BULMER, WILLIAM KEITH II	A17-299	2	SPELHAUG, ROBERT B	A17-369	1
CASANOVA-ROERS, JENNIFER LYN	A17-1011	4	Reinstatement	1 files	1 attorneys
COWELL, WILLIAM H	A17-97	1	NWANERI, PATRICK CHINEDU	A16-57	1
ESKOLA, RICHARD S	A16-269	1	Reinstatement & Probation	12 files	12 attorneys
FISCHER, BRIAN CAMPBELL	A15-1483	8	ADAMS POWELL, KARLOWBA R.	A17-386	1
FREEMAN, THERESA A	A17-712	1	AKWUBA, JOHN NWABUWANE	A15-1316	1
HAYES, JERRIE MARLENE	A17-432	1	ASK, MITCHELL J	A17-969	1
ISAACSON, NAOMI DAWN	A15-953	1	BOSMAN, PAUL JOSEPH	A15-1930	1
KENNEDY, DUANE A	A17-1448	2	BRANTINGHAM, JEREMY LLOYD	A16-674	1
MILO, MICHAEL	A17-516	3	CASANOVA-ROERS, JENNIFER LYN	A17-1011	1
NWANERI, PATRICK CHINEDU	A16-57	1	FISCHER, BRIAN CAMPBELL	A15-1483	1
OBASI, CHRISTOPHER OZIOMA	A16-1718	1	KENNEDY, DUANE A	A17-1448	1
OLSON, DAVID WALTER	A16-1374	1	OBASI, CHRISTOPHER OZIOMA	A16-1718	1
PENDLETON, ALAN F	A15-1996	1	OBASI, CHRISTOPHER OZIOMA	A16-1718	1
SIDERS, SHAWN PATRICK	A17-514	2	STOCKMAN, LOUIS ANDREW	A15-689	1
SMITH, THOMAS TIPPET	A16-1563	3	UDEANI, IGNATIUS CHUKWUEMEK	A16-227	1
STEWART, ALAN RICHARD	A16-1309	1			
TIGUE, RANDALL D	A16-694	2			
UDEANI, IGNATIUS CHUKWUEMEK	A16-227	4			
UPIN, JEFFREY D	A17-1541	1			
WESTERMAN, DANIEL THOMAS	A17-622	1			
ZITNICK, KARA JANE JENSEN	A15-743	1			
Reprimand & Probation	6 files	5 attorneys			
ANUNOBI, ERIC CHIADIKOBI	A16-1978	2			
ELFELT, ANTHONY J	A17-1464	1			
MCKIBBIN, WILLIAM HENRY	A17-443	1			
SCHAFFER, BRENT	A17-346	1			
WIEGERT, JOANNA M	A17-1017	1			

PROBATION STATISTICS

TOTAL PROBATION FILES OPEN DURING 2017

Public Supervised Probation Files (35%)	36	
Public Unsupervised Probation Files (26%)	<u>27</u>	
Total Public Probation Files (61%)		63
Private Supervised Probation Files (15%)	15	
Private Unsupervised Probation Files (24%)	<u>25</u>	
Total Private Probation Files (39%)		<u>40</u>
Total Probation Files Open During 2017		103

TOTAL PROBATION FILES

Total probation files as of 1/1/17	72
Probation files opened during 2017	31
Probation files closed during 2017	<u>(31)</u>
Total Open Probation Files as of 12/31/17	72

PROBATIONS OPENED IN 2017

Public Probation Files

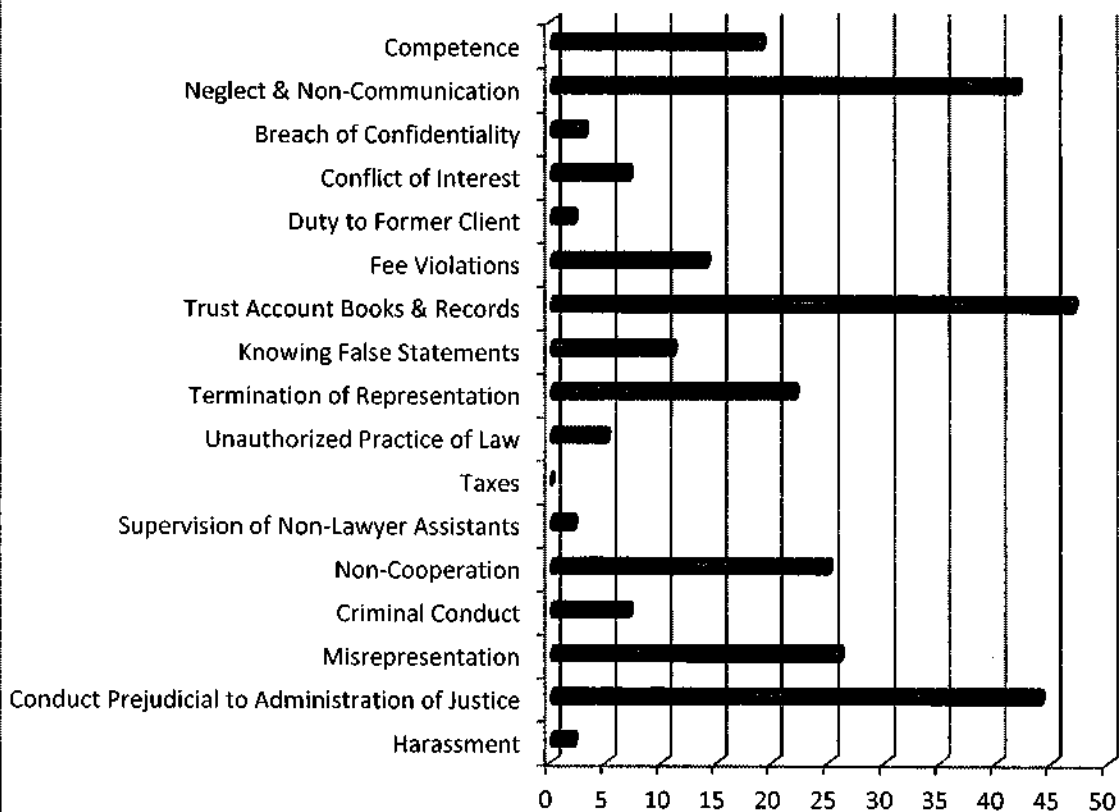
Supervised	9	
Unsupervised	<u>9</u>	
Total Public Probation Files		18

Private Probation Files

Supervised	4	
Unsupervised	<u>9</u>	
Total Private Probation Files		<u>13</u>
Total New Probation Files in 2017		31

AREAS OF MISCONDUCT-PROBATION

As reflected in 103 open probations during 2017¹



¹ A file may involve more than one area of misconduct.

Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2017 – June 2018

Date	Topic	Location	Organization	Initials
7/25/17	Everything you need to know about trust accounts	Minneapolis	MNCLE	CBH MDE LJN
8/3/17	Hennepin County public defenders' CLE	Minneapolis	Hennepin County Public Defender's Office	JSB
8/8/17	Real Estate Ethics	Minneapolis	Gray Plant Mooty	AMM
8/11/17	Follow the Money: The Ethics of Trust Accounts and Third Party Litigation Finance - Trust Account Basics	Minneapolis	MNCLE	CBH
8/12/17	Minnesota Society for Criminal Justice	Minneapolis	Minnesota Society for Criminal Justice	KTS
8/17/17	Maple Grove Rotary Club	Maple Grove	Maple Grove Rotary Club	AMM
8/21/17	Implicit Bias and Ethical Considerations in Pro Bono Legal Contexts	Minneapolis	MNCLE	CDK
8/30/17	Moderate Trust Account CLE	Minneapolis	MNCLE	MDE
9/13/17	CHIPS Professional Responsibility Presentation	Brooklyn Park	Minnesota Judicial Branch	AMM
9/15/17	Dirty Deeds & Other Unethical Conduct	Minneapolis	Midwest Construction Defect & Dispute Conference	JSB
9/18/17	Ethics Issues in Labor and Employment Practice	Minneapolis	MNCLE	PRB
9/21/17	Behind the Scenes of a DEC	Mankato	Sixth District Bar	JSB
9/27/17	Ethics for Small Firms	Minneapolis	University of St. Thomas School of Law	JHB
9/29/17	Professional Responsibility Seminar	Minneapolis	Office of Lawyers Professional Responsibility	SMH JSB PRB AMM
10/17/17	St. Cloud Rotary Club	St. Cloud	St. Cloud Rotary Club	AMM
10/17/17	West Metro CLE Consortium	Excelsior	West Metro CLE	JHB
10/19/17	Working with Paralegals	Minneapolis	MNCLE	LJN
11/1/17	Ethics in Class Actions	Stinson Leonard Street	Federal Bar Association	SMH
11/2/17	Year in Review	Virginia	Iron Range Bar	SMH
11/3/17	From the Director's Office: Trust Account Basics	St. Paul	MNCLE and the MSBA Real Property Section	MDE
11/9/17	Year-in-Review	Moorhead	Clay County Bar Ass'n	SMH
12/1/17	Year in Review-Professional Responsibility	Owatonna	Steele County Bar Association	AMM
12/1/17	The Minnesota Workers' Compensation Attorney - Top 10 Ethical Pitfalls to Avoid	Minneapolis	MNCLE	TMB
12/1/17	Complaint Investigation Process and Common Ethics Missteps	Faribault	Fifth District Ethics Committee	JHB

**Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2017 – June 2018**

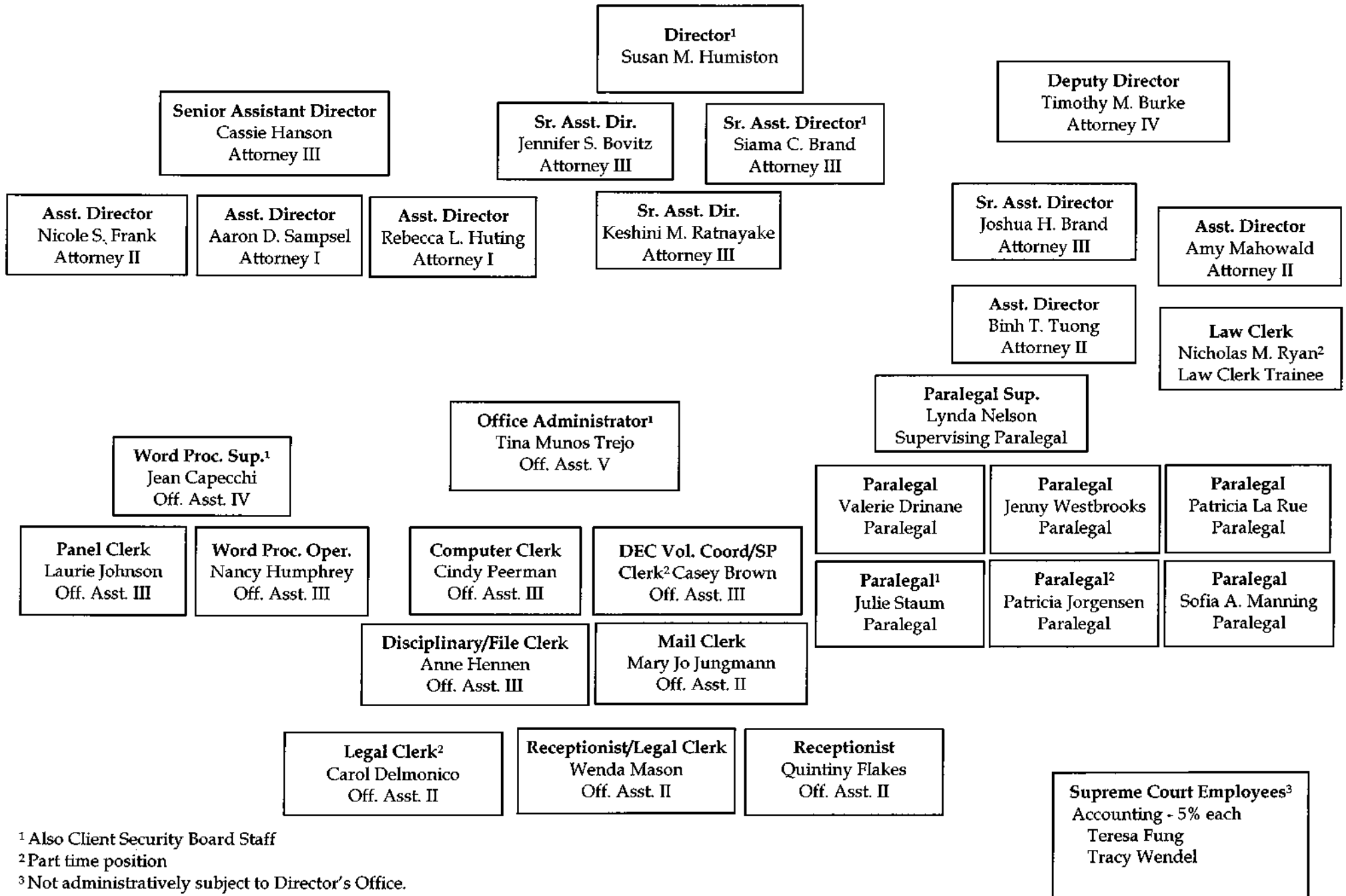
Date	Topic	Location	Organization	Initials
12/8/17	What to Expect/Do When a Complaint Gets Filed	Minneapolis	Hennepin County Public Defender's Office	JSB
12/8/17	Ethics for Prosecutors	Minneapolis	MN County Attorneys Ass'n	SMH
12/8/17	Rule 5.5 & UPL	Minneapolis	MSBA Assembly	SMH
1/10/18	Trauma and Stress and Lawyer Behavior	Minneapolis	MNCLE	SMH
1/11/18	E is for Ethics; E is for Estate Planning	St. Paul	Ramsey County Bar Association	BTT
1/22/18	Professional Responsibility in Real Estate Practice	Minneapolis	MNCLE	TMB
2/2/18	Record Keeping for Regulators	Vancouver, BC	NOBC	CBH
2/28/18	Legal Ethics and Malpractice 2018 - Identifying Trends & Practical Tips	Minneapolis	MNCLE	SMH
3/9/18	The Path to Lawyer Well-Being: A Lawyer's Duty of Competency	Minneapolis	Lawyers Concerned for Lawyers	CBH
3/14/18	Multijurisdictional Practice	Minneapolis	MSBA Communications Law Section	SMH
3/19/18	Ethics in Negotiations	St. Paul	Mitchell Hamline School of Law	AMM
3/2018	Real World Ethics: Advising the Disadvantaged	Minneapolis	MNCLE	BTT RLH
3/26/18	Speak at Judge Alexander's class	Minneapolis	University of St. Thomas School of Law	JHB
4/6/18	Ethics for Family Lawyers	St. Paul	Academy of Matrimonial Lawyers	CBH ADS
4/10/18	Ethics for Legal Administrators	Minneapolis	ALAMN	JHB
4/12/18	Harassment & Ethics	Minneapolis	Page Foundation	SMH
4/13/18	Year in Review	St. Paul	MN Attorney General	SMH
4/18/18	Round Table for Law Students w/LCL/BLE/OLPR	Minneapolis	University of Minnesota Law School	CBH
4/18/18	How to Use Retainer Agreements Ethically	Minneapolis	MNCLE	SMH NSF
4/18/18	Year in Review - Professional Responsibility	Shakopee	Eighth District Ethics Committee	AMM
4/24/18	Ethics and #metoo: Harassment and Discrimination	Minneapolis	MNCLE	JSB
4/25/18	ALAMN Certified Legal Manager Study Group	Minneapolis	ALAMN	NSF
4/26/18	Ethics for the Solo or Small Firm Lawyer	St. Paul	Ramsey County Bar Association	SMH
4/26/18	Legal Ethics 2018 - Analyzing Scenarios Relevant to Work Comp Practice	Minneapolis	MNCLE	SMH
4/27/18	Competence and Well-Being: Can We Have it All?	Minneapolis	Minnesota Women Lawyers	CBH

**Office of Lawyers Professional Responsibility
Speaking Engagements and Seminars July 2017 – June 2018**

Date	Topic	Location	Organization	Initials
5/2/18	Modern Marketing Tactics for Lawyers in a "Like, Share, Follow" World	Minneapolis	Basford Remele	AMM
5/10/18	Ethics Update: Client Confidences, Social Media and Advertising	Minneapolis	MNCLE	TMB
5/10/18	Ethics: The Importance of Being a Trauma Informed Criminal Practitioner	Webcast	MNCLE	JSB
5/15/18	The Ethical Paralegal: Your Guide to Compliance with Legal Ethical Rules	Minneapolis	MNCLE	AMM LJN
5/17/18	Trust Account Basics	Minneapolis	MN Lawyers Mutual	SMH
5/18/18	DEC Chairs Symposium	Brooklyn Center	LPRB	SMH TMB CBH SCB CB
5/18/18	Major Ethics Developments in 2017	Minneapolis	Hennepin County Law Library	BTT ADS
5/21/18	Employment Law Institute: Top 10 Ethics Pitfalls Employment Lawyers Should Avoid	St. Paul	MNCLE	TMB
5/21/18	Employment Law Institute: Ethical Issues of Joint Representations	St. Paul	MNCLE	SMH
5/22/18	Employment Law Institute: Watch What you Say!	St. Paul	MNCLE	BTT
5/24/18	MPA Annual Convention: MN Rules of Professional Conduct Relative to Paralegals' Conduct	Brooklyn Park	Minnesota Paralegal Association	JSB
5/30/18	Ethics Beyond a Reasonable Doubt	Minneapolis	Minneapolis City Attorney's Office	SCB
6/5/18	Probate and Trust Law Section Conference: Top 20 Things All Lawyers Should Remember About Ethics	St. Paul	MNCLE	TMB ADS
6/15/18	Ethics for Child Support Prosecutors	St. Cloud	MN County Attorneys Association	SMH
6/15/18	Ethical Jeopardy and the Path to Lawyer Well-Being	Apple Valley	Legal Aid	TMB CBH
6/15/18	Impaired Driving: New Laws, New Issues, and New Decisions - Ethics	St. Paul	Minnesota County Attorneys Association	JSB
6/29/18	Legal Ethics and Malpractice	Prior Lake	MSBA Convention	SMH

Office of Lawyers Professional Responsibility

FY'18 Organizational Chart



¹ Also Client Security Board Staff

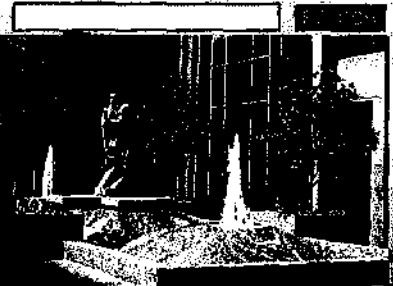
² Part time position

³ Not administratively subject to Director's Office.
Office pays percentage of their salary



MINNESOTA
Lawyers Professional Responsibility Board
Office of Lawyers Professional Responsibility

1500 Landmark Towers, 8th Floor
317 St. Peter Street
St. Paul, MN 55102-1218
651-296-3952
1-800-637-4501



- Home
- File Complaint
- Lawyer Search
- Rules
- Articles
- Lawyer Resources
- About Us

Announcements

- Draft April 27, 2018, LPRB Meeting Minutes**
- Supreme Court Announces Attorney Member Vacancy on Minnesota Client Security Board**
- National Task Force on Lawyer Well-Being**
- Lawyers Board Meetings 2018**
- Court Appoints Public Member Mark Lanterman and MSBA Nominee Brent Routman to Lawyers Professional Responsibility Board and Reappoints Board Members Shawn Judge, Gail Stremel and Susan Rhode**
- Court Appoints Attorney Robin M. Wolpert as Chair of the Lawyers Professional Responsibility Board Effective October 17, 2017.**
- Congratulations to Terrie S. Wheeler 2017 Volunteer of the Year**
- 2017 Professional Responsibility Seminar Materials**
- LPRB and OLPR File Annual Report July 3, 2017**
- Court Amends Rule 18, Rules on Lawyers Professional Responsibility, Effective January 1, 2017**

What's New

- "Spring trust account cleanup," MN Bench and Bar, April 2018**
- "Private discipline in 2017," MN Bench and Bar, March 2018**
- "2017 year in review: Public discipline," MN Bench & Bar, February 2018**
- "Harassment and attorney ethics," MN Bench and Bar, January 2018**
- "Lawyer well-being and lawyer regulation," MN Bench and Bar, December 2017**
- "Is your firm complying with the Minnesota Professional Firms Act?" MN Bench and Bar, November 2017**
- "Ethically unbundling legal services," MN Bench and Bar, October 2017**

Quick Links

- [FILE A COMPLAINT](#)
- [LAWYER SEARCH](#)

Legal References

- [MN RULES OF PROFESSIONAL CONDUCT](#)
- [FOR LAWYERS ONLY: ADVISORY OPINIONS](#)

Professional Responsibility Seminar

- [Trust Accounts](#)
- [Professional Firms](#)
- [LPRB Opinions](#)
- [Disciplinary History Request](#)
- [Proposed and Pending Rules & Opinions](#)

Contact

Lawyers Professional Responsibility Board
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1-800-637-3579

Resources

- [MN Civil Disability Board](#)
- [MN Lawyer Responsibility Office](#)
- [MN LPTA Information](#)
- [MN Board of Continuing Legal Education](#)
- [MN Board of Law Examiners](#)
- [MN Board of Legal Certification](#)
- [MN Judicial Branch](#)
- [MN State Bar Association](#)
- [ABA Center for Professional Responsibility](#)

Links

- [Minnesota State Bar Association](#)
- [Minnesota State Bar Association](#)
- [Minnesota State Bar Association](#)
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If you have a disability and anticipate needing an accommodation, please contact the Office at lrada@courts.state.mn.us or at 651-296-3952. PLEASE USE THIS EMAIL ADDRESS FOR ADA REQUESTS ONLY. COMPLAINTS AGAINST ATTORNEYS MAY BE SUBMITTED BY CLICKING ON THE "FILE A COMPLAINT" BOX ON THE HOME PAGE. NON-ADA COMMUNICATIONS TO SUSAN HUMISTON SHOULD BE MAILED TO THE OFFICE ADDRESS OR EMAIL TO susan.humiston@courts.state.mn.us. All requests for accommodation will be given due consideration and may require an interactive process between the requestor and the Office of Lawyers Professional Responsibility to determine the best course of action. If you believe you have been excluded from participation in, or denied benefits of, any Office of Lawyers Professional Responsibility services because of a disability, please visit www.mncourts.gov/ADAaccommodation.aspx for information on how to submit an ADA Grievance form.

OLPR Dashboard		
5/30/2018		
	Total Files	Total Lawyers
Total Open Matters	539	393
New Files YTD	468	
Closed Files YTD	446	
Files Opened in April 2018	110	
Files Closed in April 2018	104	
Public Matters Pending	19	
Panel Matters Pending	7	
Matters Pending with the DEC's	85	
Files On Hold	20	
Advisory Opinion Requests YTD	840	
Advisory Opinion Requests Declined YTD	73	
Total Files Over 1 Year Old		
	148	98
Matters Pending Over 1 Year Old w/o Charges		
	62	51
Matters Pending Over 2 Years Old w/o Charges		
	8	5
Discipline YTD		
	Disbarred	5
	Suspended	8
	Reprimand & Probation	1
	Reprimand	2
		Total # Files
	Private Probation	8
	Admonition	37

Files Pending as of 5/30/18

Year/Month	SD	DEC	REV	OLPR	AD	ADAP	PROB	PAN	HOLD	SUP	S12C	SCUA	REIN	RESG	TRUS	Total
2015-01									1							1
2015-03									1	1						2
2015-04										1						1
2015-05				2												2
2015-06															1	1
2015-07												1				1
2015-08				1												1
2015-11									2	1						3
2015-12									1		1					2
2016-02				2						1						3
2016-03				1						3	1					5
2016-04				2								1				3
2016-05						1			1	1						3
2016-06				1		1			2	1						5
2016-07				3												3
2016-08				5					3	2	2					12
2016-09				5			1			3	2					11
2016-10				3					2		2					7
2016-11				7	1					1						9
2016-12				4	1					2	1					8
2017-01				7	1				1							9
2017-02				4			1			2	6					13
2017-03				8	1		1		2	3	1					16
2017-04				8				1		2	1				1	13
2017-05				7	1		1			2			2		1	14
2017-06				11	2					2	1					16
2017-07				16											1	17
2017-08				20	1				2		2					25
2017-09		1	1	32												34
2017-10		1	1	21	1			1	1	1		1			1	29
2017-11				19					1							20
2017-12		2		23						2			1			28
2018-01		11	2	18						3			1			35
2018-02		9		19												28
2018-03	2	19	1	13									1			36
2018-04		23		23												46
2018-05	33	19		21										4		77
Total	35	85	5	306	9	2	4	2	20	34	20	3	5	4	5	539

Files Over One Year Old as of 5/30/18

Year/Month	OLPR	AD	ADAP	PROB	PAN	HOLD	SUP	S12C	SCUA	REIN	TRUS	Total
2015-01						1						1
2015-03						1	1					2
2015-04							1					1
2015-05	2											2
2015-06											1	1
2015-07									1			1
2015-08	1											1
2015-11						2	1					3
2015-12						1		1				2
2016-02	2						1					3
2016-03	1						3	1				5
2016-04	2								1			3
2016-05			1			1	1					3
2016-06	1		1			2	1					5
2016-07	3											3
2016-08	5					3	2	2				12
2016-09	5			1			3	2				11
2016-10	3					2		2				7
2016-11	7	1					1					9
2016-12	4	1					2	1				8
2017-01	7	1				1						9
2017-02	4			1			2	6				13
2017-03	8	1		1		2	3	1				16
2017-04	8				1		2	1			1	13
2017-05	7	1		1			2			2	1	14
Total	70	5	2	4	1	16	26	17	2	2	3	148

ALL FILES PENDING & FILES OVER 1 YR. OLD REPORTS STATUS KEY

SD	Summary Dismissal
DEC	District Ethics Committees
REV	Being reviewed by OLPR attorney after DEC report received
OLPR	Under Investigation at Director's Office
AD	Admonition issued
ADAP	Admonition Appealed by Respondent
PROB	Probation Stipulation Issued
PAN	Charges Issued
HOLD	On Hold
SUP	Petition has been filed.
S12C	Respondent cannot be found
SCUA	Under Advisement by the Supreme Court
REIN	Reinstatement
RESG	Resignation
TRUS	Trusteeship



DRAFT

AT A GLANCE

- FY18 projected review is short approximately \$140,000, primarily as it relates to attorney registration fees. However, expenses were favorable to budget by approximately \$353,000, for an overall net positive position against budget estimated to be approximately \$177,000.
- Expense savings were primarily from moving some initiatives from FY18 to FY19, such as the improvements to office security, upgrades to the OLPR MJC courtroom or delays in equipment acquisition related to the database project, as well as some salary savings from the timing of new hirers.
- The OLPR anticipates needing to approve approximately \$50,000 in change order requests relating to the database project in FY19.
- Primary stakeholders are the Supreme Court, the LPRB, licensed Minnesota attorneys and the public who hire lawyers.

Background:

The OLPR and LPRB serve approximately 29,000 licensed lawyers (25,000 active) and the Minnesota public who hire lawyers. In calendar 2017, the OLPR received 1110 complaints, approximately 9% lower than in 2016. In 2017, 41 lawyers were publicly disciplined, generally consistent with the number of attorneys disciplined in 2016. Complaints year to date in 2018 are continuing to trend modestly lower than in prior years. The OLPR's FY18 Budget was \$4,139,900; the projected FY18 actual is estimated to be \$3,800,000. The Office has moved into deficit spending with attorney registration revenue sufficient to cover employee salaries but not operating expenses. The OLPR has 12 attorneys, 6.5 paralegals, 1 office administrator, 9.5 staff, and 1 law clerk.

FY2018/19 Revenue Update:

Revenue is mainly driven by lawyer registration fees. Overall revenue projections are trending slightly lower than originally projected by approximately \$140,000.

FY2018/19 Expenditures Update:

Expenses were approximately \$353,000 favorable to budget. A portion of this savings comes from salary expenditures, which were modestly down due to timing of new hirers. The remaining portion of the savings comes from deferment of various initiatives such as delayed office security upgrades, delayed upgrades to the OLPR courtroom at MJC, and delays of equipment purchases due to the database project launching in late 2018, not early 2018.

Conclusion:

The financial condition of the LPRB/OLPR is fair. The Office is into deficit spending, primarily driven by increasing salary costs, technology expenses and flat revenues. Nevertheless, for now, reserves remain sufficient to cover expenditures through the end of this biennium.

FY2018/19 Budget Update
MN Board of Lawyers Professional Responsibility

DRAFT

Appropriation: J650LPR

Account	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Budget	FY18 Projected	FY19 Budget
	a	b	c	d	e	f	g
Balance In	3,451,450	3,636,585	3,445,582	3,386,942	2,910,119	2,910,119	2,293,574
Revenue:							
Law Prof Resp Attny Judgmnts	512416 21,447	27,421	57,757	26,422	25,300	25,100	25,300
Other Agency Deposits	514213 15,668	19,931	22,355	26,785	28,900	26,000	28,900
Law Prof Resp Misc	553093 61,158	52,596	57,462	61,239	57,000	50,000	57,000
Attorney's Registration	634112 3,078,630	3,079,194	3,163,603	3,201,155	3,125,000	3,007,000	3,137,000
Law Prof Resp Bd Prof Corp	634113 77,075	80,950	89,800	74,851	87,300	75,000	87,300
Subtotal Revenue	3,253,878	3,260,093	3,390,977	3,390,452	3,323,500	3,183,100	3,335,500
Expenditures:	3,068,743	3,451,096	3,449,618	3,867,274	4,139,900	3,799,645	3,969,600
Balance Out (Ending Cash Balance)	3,636,585	3,445,582	3,386,942	2,910,119	2,093,719	2,293,574	1,659,474

FY19 Adjustment

-

Final FY19 Reserve Balance

1,659,474

Notes:

FY2018/19 Budget Update
MN Board of Lawyers Professional Responsibility

DRAFT

Appropriation: J650LPR
Findept. ID: J653500B

Account	FY14 Actual Expenditures	FY15 Actual Expenditures	FY16 Actual Expenditures	FY17 Actual Expenditures	FY18 Budget Expenditures	FY18 Projected Expenditures	FY19 Budget Expenditures	
	a	b	c	d	e	f	g	
Full Time	41000	2,226,589	2,596,318	2,636,719	2,758,682	2,790,000	2,684,224	2,800,000
PT, Seasonal, Labor Svc	41030	201,580	210,045	199,065	233,218	243,000	191,751	249,000
OT Pay	41050	877	1,977	2,851	532	1,000	1,712	1,000
Other Benefits	41070	8,029	7,818	44,334	15,475	76,500	69,889	50,000
PERSONNEL		2,437,075	2,816,157	2,882,969	3,007,907	3,110,500	2,947,576	3,100,000
Space Rental, Maint., Utility	41100	333,094	327,274	323,882	336,891	339,000	337,936	346,000
Printing, Advertising	41110	6,536	8,143	17,401	8,778	11,600	10,234	12,300
Prof/Tech Services Out Ven	41130	34,494	25,195	28,516	38,327	119,900	103,000	101,600
IT Prof/Tech Services	41145	81,131	58,119	26,748	266,943	197,000	165,000	100,000
Computer & System Svc	41150	5,259	15,652	6,161	4,679	30,000	30,000	32,500
Communications	41155	34,064	39,446	19,176	23,308	29,000	20,690	29,900
Travel, Subsistence In-St	41160	10,161	11,931	14,624	9,704	12,700	14,660	13,500
Travel, Subsistence Out-St	41170	10,581	7,623	10,270	15,044	24,000	20,641	26,400
Employee Dev't	41180	9,507	9,879	13,027	14,860	13,200	16,743	14,500
Agency Prov. Prof/Tech Svc	41190	294	(545)	-	100			
Claims Paid to Claimants	41200	3,787	-	-	-			
Supplies	41300	39,303	52,572	57,597	66,502	79,300	54,286	91,200
Equipment Rental	41400			2,714	3,029	3,000	3,034	3,000
Repairs, Alterations, Maint	41500	10,142	9,243	8,052	7,074	10,000	7,185	10,600
State Agency Reimb.	42030	90	-	-	-			
Other Operating Costs	43000	28,821	27,357	29,925	40,512	70,700	64,364	43,100
Payment to Indiv. Med/Rehab Client	44100				365		950	
Equipment Capital	47060	2,859	-	-	1,131	10,000	1,386	35,000
Equipment-Non Capital	47160	21,545	43,051	8,556	22,119	80,000	1,960	10,000
Reverse 1099 Expenditure	49890	-	-	-	-			
OPERATING		631,668	634,939	566,649	859,367	1,029,400	862,069	869,600
TOTAL		3,068,743	3,451,096	3,449,618	3,867,274	4,139,900	3,799,646	3,969,600

Notes:

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

ROBIN M. WOLPERT
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TOLL-FREE 1-800-657-3601
FAX (651) 297-5801

MEETINGS OF THE LAWYERS PROFESSIONAL RESPONSIBILITY BOARD 2019

Lawyers Professional Responsibility Board meetings are
scheduled for the following dates and locations:

<u>Date</u>	<u>Location</u>
Friday, February 1, 2019*	Town & Country Club, St. Paul, MN
Friday, April 26, 2019*	Town & Country Club, St. Paul, MN
Friday, June 20, 2019*	Town & Country Club, St. Paul, MN
Friday, September 27, 2019	Earle Brown Center, Brooklyn Center, MN (following seminar)

*Lunch is served for Board members at 12:00 noon. The public meeting starts at approximately 1:00 p.m.

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