



**ANNUAL REPORT OF THE  
LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

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OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY**

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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 2023 to June 2024 (FY2024), which represents the Board's and the Office's fiscal year. Most of the statistical information, however, is based upon calendar year 2023, unless otherwise noted.

### **Highlights from the Board and the Office of the Director.**

Fiscal year 2024 was another stable and solid year for the Board and the OLPR. A notable event of the year was the Court's order of August 2023, relating to the ABA Standing Committee on Professional Regulation Report. As reported last year, in September 2022, the ABA conducted its second review of the Minnesota discipline system and made 25 recommendations for the Court's consideration. The report's recommendations centered around structure, investment, processes, and rule changes, aimed at enhancing the overall effectiveness of the discipline system.

In its August 2023 order, the Court adopted many of the recommendations, most of which required rule amendments to implement. With its order, the Court also announced the establishment of an Advisory Committee to make recommendations on related rule changes by June 30, 2024. Among the recommendations adopted included streamlining Rule 9 probable cause determinations (to be revised to reasonable cause determinations) and the admonition appeal process; procedures to streamline Rule 18 reinstatement procedures, including modifying the period from 90 days to 180 days for reinstatement hearings; and adopting a diversion rule, where diversion programming can be used instead of discipline for certain less serious rule violations. The Court rejected certain recommendations, such as transferring the ethics hotline and trusteeship work currently performed by the OLPR to other entities, to add an

Administrative Oversight Committee, to use referees for reinstatement hearings, for admonition appeals to be public, and for discretionary review of referee reports. The Advisory Committee was appointed and began its work in October 2023, and filed with the Court on June 28, 2024, its recommendations for rule changes necessary to implement the Court's Order. It is anticipated that the next step in the process will include a public comment period on the Committee's recommendations. In the meantime, the Director and Board have worked to implement some of the items that did not need rule amendments, such as the creation of separate websites, which is in process.

Calendar Year 2023 was a relatively average year with 28 attorneys receiving public discipline, compared to 37 attorneys in 2022. Private discipline was down significantly, with 68 attorneys receiving private discipline compared to 81 in 2022. The trend for discipline remains that more seasoned attorneys are the ones who receive the most discipline, as compared to their more junior colleagues. Specifically, as shown in Tables VII and VIII, attorneys practicing between 11-20 and 21-30 years received the most public and private discipline, as compared to attorneys with less than 11 years of experience. In 2023, two lawyers were transferred to disability inactive status in lieu of discipline, the same number as in 2022. Four reinstatement petitions were denied. Trusteeships, when lawyers pass away without a succession plan or abandon their practices for a variety of reasons, continue to remain active.

Most District Ethics Committees (DECs) continue to meet in a hybrid fashion, although several have returned to in-person meetings. The number of DEC investigations has largely returned to pre-pandemic levels. The annual Lawyers Professional Responsibility Seminar in September 2023 was hybrid. The 2024 Seminar will be held in-person with a virtual option at the Wilder Foundation Center in St. Paul on September 27, 2024.

The first half of 2024 remains generally consistent with 2023 in matters of public attorney discipline. Two attorneys have been disbarred. As of June 30, 2024, a total of 15 attorneys have been publicly disciplined: two disbarred, nine suspended and four publicly reprimanded. Private discipline year to date is up slightly from 2023 and is modestly up from recent years.

### **Complaint Filings.**

The number of complaints received in 2023 was 1,151, up from 1,020 in 2022. Closings were also up year over year (1,072 v. 1,030), for a calendar year-end file inventory of 551. Tables outlining these and related statistics are at A. 3 - A. 10.

|                              |       |
|------------------------------|-------|
| Files open at start of 2023: | 471   |
| Complaints received in 2023: | 1,151 |
| Files closed in 2023:        | 1,072 |
| Files open at end of 2023:   | 551   |

Complaint filings for the first six months of 2024 continue to outpace 2023 numbers.

### **Public and Private Discipline.**

As noted, in 2023, 28 lawyers were publicly disciplined: three attorneys were disbarred, 24 were suspended and one was reprimanded and placed on probation. The three disbarred attorneys were John Hernandez, Bradley Ratgen and Ignatius Udeani.

During 2023, 68 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.” Overall, six percent of files were closed with an admonition, the lowest percentage of such closures in recent years. This number will be impacted in the future when the rules are changed to allow diversion for certain misconduct. Prior year totals are as follows:

|                    | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|--------------------|------|------|------|------|------|------|------|------|
| Admonitions        | 115  | 90   | 117  | 107  | 82   | 88   | 81   | 68   |
| Total Files Closed | 1264 | 1073 | 1115 | 1029 | 969  | 906  | 1030 | 1072 |
| %                  | 9%   | 8%   | 10%* | 10%  | 8%*  | 10%  | 8%   | 6%   |

\*Percentage amount corrected.

The areas of misconduct involved in admonitions are set forth in Table V at A. 6.

There were also six matters closed with private probation in 2023; seven matters closed with private probation in 2022.

### **Annual Professional Responsibility Seminar and Continuing Legal Education Presentations.**

The annual Professional Responsibility Seminar was held on September 22, 2023. Sessions included a presentation on reasonable efforts under Rule 1.6 and technology, stress and the overlap with discipline, a year in review by Justice Natalie Hudson, a session on when the Office departs from DEC recommendations, and a hypothetical issue spotting training session.

The Volunteer of the Year Award was presented to Tim Simonson, Chair of the Second DEC. Tim has volunteered with the discipline system for 10 years, four as an investigator and six as Chair of the Second DEC. Tim was nominated by his committee as one of the nicest people you will meet and a dedicated volunteer. Tim supports and encourages volunteer service in Ramsey County, is appreciative of everyone's efforts, and is always available to assist in difficult investigations to ensure a great work product comes out of his committee.

Each year, attorneys in the Office devote substantial time to CLE presentations and other public speaking opportunities to proactively educate the bar about professional responsibility issues. A full list of those engagements can be found at A. 16 – A. 17. This year, staff spoke at 44 events, devoting significant time to educating the profession.

## **II. LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

### **A. The Board smoothly transitioned its membership.**

As is common in most years, 2023-24 saw several membership changes on the Lawyers Professional Responsibility Board. Longtime public members Andrew Rhoades and Mark Lanterman completed their terms of service, during which they lent their business-focused, common-sense wisdom to innumerable decisions. Longtime Board Vice-Chair Susan Rhode also completed her term. Vice-Chair Rhode was the guru of the complainant appeal – no one knew more about how to resolve this most common type of case that comes before Board members. Her expertise, friendship, and leadership helped probably every Board member at some point resolve tricky issues and reach just conclusions.

The Board elected attorney member Kristi Paulson as its new vice-chair. Vice-Chair Paulson has stepped into the role with zeal. She carefully tracks case assignments to ensure fair distribution of work. She also advises and checks decisions for quality and consistency. Vice-Chair Paulson has, to no one's surprise, become a stellar member of the Board's Executive Committee.

The Board welcomed new attorney member John Zwier, who works with the United States Attorney's Office and as a referee in the Second Judicial District, and two new public members. Jill Nitke, an investigator with the 10<sup>th</sup> Judicial District Public Defender's Office, and Thomas Gorowsky, a litigation consultant and expert financial witness. All three have already contributed in meaningful ways, and the Board is happy to have them. Thanks also to Board liaison Justice Margaret Chutich for her ideas about effective ways to recruit qualified public members.

### **B. The Court provided administrative support for the Board.**

The biggest non-substantive change for the Board in 2023-24 is the welcome addition of Ava Shannon as the Board's first administrative assistant. In 2023, the Minnesota Supreme Court authorized the Minnesota Judicial Branch to provide such

assistance. MJB human resource professionals allowed Board Chair Benjamin Butler and Director Humiston to consult on the design of the position, which ensured that the job duties encompassed the Board's needs. Chair Butler and a representative from the OLPR also were involved in the hiring process, in which Ms. Shannon was the clear standout candidate.

Having Ms. Shannon in the fold has allowed the Board and the OLPR to further administratively separate from one another, as the Court recommended in 2023. The Board now can handle case assignments, notifications, filings, and other administrative tasks on its own. Further, the Board now has separate contact information from the Office: it has a separate address, 25 Rev. Martin Luther King, Jr. Blvd, Ste. 305, St. Paul, MN 55155, a separate email (LPRBgeneral@courts.state.mn.us), and its own phone number (651-262-1850). As time passes, the Executive Committee will continue to look for additional ways to optimize the administrative assistant position to achieve the goals set forth by the Court and the Board.

**C. The Board considered and will recommend to the Court proposed changes to the Minnesota Rules of Professional Conduct.**

The Board's primary work in 2023-24 involved considering requests on whether to recommend that the Court amend the Minnesota Rules of Professional Conduct. The Board intends to petition the Court regarding these recommendations by the end of 2024 but will briefly address them here.

The Great Northern Innocence Project requested that the Board consider recommending adoption of a portion of ABA Model Rule 3.8, concerning the special responsibilities of a prosecutor. The Board formed a working group comprised of public and attorney members from numerous different fields to consider the recommendations. The working group solicited input from stakeholders, not least the OLPR, and spent months formulating recommendations, which the Board adopted. Most of the recommendations concern ensuring that the Rules of Professional Conduct

accurately reflect a prosecutor's obligation to disclose evidence to the defense as mandated by the United States Constitution, the Minnesota Constitution, and the Minnesota Rules of Criminal Procedure.

Hennepin County's Adult Representation Service requested that the Board consider recommending that the Court adopt a portion of ABA Model Rule 1.8. The request was to adopt a rule making plain that nonprofit legal services or public-interest organizations can provide clients with modest gifts including food, rent, transportation, medicine, and other basic living expenses. The Board delegated consideration to its Rules Committee. That Committee, chaired by attorney member Dan Cragg, considered the pros and cons of the recommendation and potential First Amendment concerns with the advertising limitations that are part of the ABA Model Rule. The Committee made recommendations, which the Board ultimately adopted.

The Board's Rules Committee also carefully considered the request of Justice Paul Thissen to think about issues surrounding the use of "aggravating factors" in attorney-discipline cases. *See In re Udeani*, 984 N.W.2d 550, 556 (Minn. 2023) (Thissen, J., concurring). The Board hopes to respond to Justice Thissen by the end of 2024.

**D. Board members participated in Supreme Court advisory committees and training sessions.**

Board members volunteered for several Minnesota Supreme Court advisory committees in 2023-24. Chair Butler and attorney member William Pentelovitch served on the Court's advisory committee on the Rules of Lawyers Professional Responsibility. Formed in the wake of the Court's consideration of the ABA's evaluation of the Minnesota attorney-regulation system, that committee met at least monthly (with subcommittees meeting even more often). The committee's final report serves as a testament to all its members' ability to respectfully and thoroughly discuss the important issues presented.

In addition, Vice-Chair Paulson continues her invaluable service on the Court's Alternative Dispute Resolution (ADR) Ethics Board. Board members Dan Cragg, Kevin Magnuson, and Frank Leo agreed to serve on a working group, convened in conjunction with the Minnesota District Judges' Association and the Board of Judicial Standards, to consider streamlining and harmonizing ethics rules concerning judicial elections. Finally, the Board designated public member Sharon Van Leer to serve on the advisory committee on the future of the Minnesota bar exam and other questions of new-attorney licensure.

Chair Butler participated in several continuing legal education (CLE) sessions in 2023-24. At the invitation of attorney member Carol Washington, Chair Butler presented to the Minnesota Attorney General's Office on the structure of our attorney regulation system. He also presented to the Olmsted County Bar Association on that structure and on the line between zealous advocacy and unethical conduct. The Board will continue to look for ways to expand its visibility in Minnesota's legal community.

**E. The Board continues to effectively decide cases.**

One key role for Board members is deciding complainant appeals. Records in these cases can be voluminous, particularly if there was an investigation performed by the OLPR or a District Ethics Committee. Nonetheless, Board policy encourages decisions to be made within 30 days of assignment. Board members are exceeding that goal. In 2023, Board members decided 135 complainant appeals in an average time of 25 days.

Board panels are similarly busy, albeit less in 2023 than in previous years. Panels make probable cause determinations on petitions for public discipline, decide appeals by respondents of admonitions by the OLPR, and preside at hearings and make recommendations about attorney reinstatement cases. In 2023, panels decided 23 matters.

### **III. DIRECTOR'S OFFICE.**

#### **A. Budget.**

Expenditures for the fiscal year ending June 30, 2024, are projected to be approximately \$4.4 million. The projected reserve balance at the end of FY24 is approximately \$143,000. FY23 expenses are favorable to budget, and revenues are also anticipated to be modestly favorable to budget, aided by a transfer of \$500,000 of the reallocated \$1.5 million from the Client Security Board.

The Director's Office budget—which also includes funding for the Lawyers Board—is funded primarily by lawyer registration fees (\$146 for most lawyers), and therefore is not dependent upon legislative dollars. FY24 projected revenue from all sources is just over \$3.8 million. For the last decade or so the Office has been in deficient spending with expenses exceeding revenue, due to increases in personnel costs, with largely flat revenue from attorney registration. The Office exhausted its reserve in FY24, and will need the full reallocation from the Client Security Board this biennium to meet budget.

In May 2021, the Court approved modest increases in lawyer registration fees (after many years of flat rates) to supplement funding for the various Boards tasked with regulation of the profession, while also directing the Boards to continue to focus on cost containment, cost-sharing and economies where available. The final increase went into effect on October 1, 2023, increasing our funding from \$135 for most lawyers to \$142. As a result of the ABA report, the Court also increased in January 2024, attorney registration fees by an additional \$4 to fund part-time administrative support for the Board and part-time law clerk support for the discipline referees, for a total allocation of \$146. Because the number of lawyers entering the profession is largely static, given retirements and resignations, increases are likely needed in annual registration fees beyond the current biennium to fund the discipline system to avoid significant cuts in services. Notwithstanding recent increases, Minnesota compares

very favorably to neighboring states. For example, according to a July 1, 2023, survey, Wisconsin allocates \$150 of its annual registration fee to discipline; Iowa allocates \$200 to discipline. Colorado increased its annual registration fees to \$395 in FY24, and from that allocates \$195 per lawyer *more* than Minnesota to attorney regulation.

**B. Personnel.**

The Director's Office employs 13 attorneys including the Director, five paralegals, an investigator, an auditor, an office administrator, nine support staff and a law clerk (*see* organizational chart at A. 18). The Office is fortunate to have a talented team of dedicated employees focused on the mission of protecting the public and strengthening the profession. FY24 was notable for retirements of long-time support staff, two of whom retired with almost 40 years of service each. Words are inadequate to express our thanks for so many dedicated years of service.

Of note in FY24, the liaison justice to the Board and OLPR changed with Justice Hudson's appointment as Chief Judge of the Minnesota Supreme Court. Justice Margaret Chutich was appointed to serve as liaison justice toward the end of 2023. In 2024, Justice Chutich announced her upcoming retirement from the Court as of July 30, 2024. Justice Gordon Moore has been appointed to succeed Justice Chutich as liaison. The Office and Board thank Justice Chutich for her liaison service and wish her the best in retirement. We look forward to working with Justice Moore, and appreciate the excellent support of the Court for the professional responsibility system as a whole.

**C. Website and Lawyers Professional Responsibility Board Intranet.**

The OLPR website continues to be updated regularly to ensure it remains current. The Office has almost completed the redesign of its website, and there will soon be a separate website for the Board. Due to aging infrastructure, the OLPR website has a slightly different look as it needed to move to an updated SharePoint

platform while the new site was being developed. Attached at A. 19 is a recent printout of the home page for the website.

The LPRB and DEC intranet (SharePoint) sites are used by Lawyers Board members, DEC Chairs, and volunteer investigators. In FY24, each site was moved to SharePoint 2019 from Sharepoint 2013 without incident. 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 uses the LPRB site to file share with the new Board administrative assistant. The Office employs a DEC/SharePoint Coordinator as the main contact for volunteers regarding questions about the sites as well as their volunteer service. The Office has incorporated slides in its Continuing Legal Education presentations to promote volunteerism in the discipline system.

#### **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, as assigned by the Board Chair. The Director's Office received 141 complainant appeal determinations in 2023, compared to 174 appeal determinations received in 2022. Of those 141 determinations, 129 complainant appeals were both assigned to reviewing Board members and completed in 2023.

A breakdown of the 141 determinations made by reviewing Board members in 2023 is as follows:

|                                          |     | <u>%</u> |
|------------------------------------------|-----|----------|
| Approve Director's Disposition           | 137 | 97       |
| Direct Further Investigation             | 3   | 2        |
| Instruct Director to Issue an Admonition | 0   | 0        |
| Instruct Director to Issue Charges       | 1   | 1        |

In June 2024, the Office transitioned much of the processing of complainant appeals to the new Board administrative assistant. Now, complainant appeals go directly to the Board's new address in the Minnesota Justice Center. The Office still processes the file for review by the reviewing Board member in SharePoint because Board members do not have direct access to the Office's Lawyer Discipline Management System (LDMS), thus decreasing but not eliminating OLPR staff time in processing appeals. The new process serves to reiterate the separation between the Office and the Board as it relates to the Board's adjudication role.

#### **E. Probation.**

The probation department administers private and public probation in conjunction with attorney discipline. In 2023, the Director opened 11 new probations, six of which were public and five private. Fifty percent of the new public probations were supervised; forty percent of the new private probations were supervised. Five of the new probations were ordered as a condition of reinstatement to the practice of law.

In 2023, the Director did not file any petitions for revocation of probation and for further discipline. There were two petitions for revocation filed in 2022.

Probations involving mental health and chemical dependency remain an ongoing concern. In 2023, five of the 11 new probations, or 45%, involved lawyers with mental health issues or substance use issues. Of the 70 open probations in 2023, approximately 21% percent (15 probations) implicated consideration of lawyer wellness issues—either as part of the underlying disposition, or as a specific term of probation monitoring.

The Court transferred no probations to disability inactive status. Four of the new probations, or 36%, resulted from violations of rules relating to safekeeping of property. Three of the 2023 probations involved experienced lawyers who had 20 or more years of practice, one with 30 or more years of practice, and one with 40 or more years of practice.

During 2023, 16 Minnesota attorneys served as volunteer probation supervisors. Their volunteer service to assist lawyers in need is greatly appreciated. Six attorneys, five paralegals and an auditor staff the probation department, and consistently commit between 40-50 hours collectively per week. Additional probation statistics are provided at A. 14-A. 15.

#### **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, the Supreme Court or other third parties; 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 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 advisory opinion service remains one of the most valuable outreach tools to the profession the Office has.

In 2023, the Director's Office received 1,792 requests for advisory opinions, compared to 1,683 in 2022, a six percent increase from 2022. (A. 11.) Table XIII at A. 12 shows the areas of inquiry of opinions.

In 2023, the Director's Office expended 431 assistant director hours in issuing advisory opinions. This compares with 395 hours in 2022. Dissolution/custody and criminal matters were the most frequently inquired about areas of law, then litigation and estate planning/wills and trusts. Client confidentiality (Rule 1.6) was the most frequent area of specific inquiry, along with conflict of interest (Rule 1.7), withdrawal from representation (Rule 1.16), communication (Rule 1.4), trust accounts – generally (Rule 1.15) and conflict – former clients (Rule 1.9).

**G. Overdraft Notification.**

Pursuant to Rule 1.15(j) – (o), 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 reviews and 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.

In May 2023, the Office updated all agreements with the banks. Bank agreements are renewed every three to five years and the last update was completed in 2019. One of the main goals of updating the agreements at this time was to revise the comparability compliance with current rate sheets to proactively capture the increase in interest rates since 2019 to better fund the IOLTA program.

In 2023, twenty-five account overdraft notices were reported to the Director, which was two less than the number reported in 2022 (27). During 2023, the Director converted five overdraft inquiries into disciplinary files. The most common reasons for opening a disciplinary file were shortages (four) and failure to safekeep (three), which are often the result of significant record-keeping deficiencies. Additionally, failing to cooperate with the inquiry contributed to opening one disciplinary case. The Director

closed 25 overdraft inquiries in 2023, down from the 37 closed in 2022. Of these closures, 18 were closed without a disciplinary investigation. In eight of these closures, or 44.4%, the Director made recommendations regarding the attorney's trust account practices. The most common recommendations related to a lack of strict compliance with the books and records requirements, failure to properly reconcile the account monthly, and spending funds prior to ensuring the funds had cleared from the issuing bank but were otherwise "available" by the account holder's bank.

In 2023, the 18 overdraft inquiries closed without a disciplinary investigation were closed for the following reasons:

| <b>Overdraft Cause</b>       | <b>No. of Closings</b> |
|------------------------------|------------------------|
| Check written in error on TA | 3                      |
| Bank error                   | 8                      |
| Bank hold on funds           | 1                      |
| Late deposit                 | 1                      |
| Mathematical/clerical error  | 5                      |

A total of 231.5 hours – 42.5 hours of attorney time and 189 hours of auditor/staff time – was spent administering the overdraft program in 2023, which included updating all bank renewal agreements. This was a slight decrease from the 235.5 hours spent in 2022. We attribute this slight decrease in time to the decrease in the overall number of overdraft cases, increase in the proportion of overdrafts arising out of bank error, and increased efficiencies of experienced staff handling overdraft cases all while updating the bank agreements.

One attorney and one paralegal have historically staffed the overdraft program. Since July 2021, the forensic auditor has served as the overdraft point of contact. The overdraft attorney has overseen the trust account overdraft program since May 2022.

Since the inception of the trust account program in 1990 and through 2023, approximately<sup>1</sup> 3,126 overdrafts have been reported to the Director. Of those total overdrafts, 393, or approximately 12.6%, were converted into disciplinary investigations. Those 393 disciplinary investigations were resolved as follows:

**Public Dispositions:**

|                            |     |
|----------------------------|-----|
| Disbarment                 | 26  |
| Suspension                 | 84  |
| Public reprimand/probation | 40  |
| Disability inactive status | 6   |
| Total Public               | 156 |

**Private Dispositions:**

|                   |     |
|-------------------|-----|
| Private probation | 136 |
| Admonition        | 58  |
| Panel admonition  | 4   |
| Dismissals        | 33  |
| Total private     | 231 |

At the conclusion of 2023, six disciplinary investigations were ongoing.

**H. Judgments and Collections.**

In 2023, judgments totaling \$52,971 were entered in 32 disciplinary matters. The Director's Office collected a total of \$39,208 from judgments and orders entered during or prior to 2023. In 2022, judgments totaling \$37,886 were entered in 30 disciplinary matters. The Director's Office collected a total of \$23,986 from judgments and orders entered during or prior to 2022. The amount collected in 2023 was significantly higher than the amount collected in 2022, but the total amount in judgments was also higher.

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<sup>1</sup> Data for the years 1990 and 1991 is not available and the number of reported overdrafts for those years has been estimated.

This was due, in part, to a judgment and payment of nearly \$15,000 in one matter. Also of note, there were several attorneys who requested payment plans allowing them to pay judgments over time. Overall, the amount collected in 2023 was up compared to prior years, which previously had remained steady: \$28,685 (2021); \$27,428.65 (2020); and \$24,579 (2019). The \$900 cost assessed per discipline matter has remained unchanged in Rule 24(a), RLPR, for decades. Accordingly, the Office plans to evaluate this cost as compared to other jurisdictions in FY25.

#### **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 is also available through the OLPR website. Informal telephone requests and responses are not tabulated. The following formal requests were received in 2023:

|                                                                             | <u>No. of<br/>Requests</u> | <u>No. of<br/>Attorneys</u> | <u>Discipline<br/>Disclosed</u> | <u>Open<br/>Files</u> |
|-----------------------------------------------------------------------------|----------------------------|-----------------------------|---------------------------------|-----------------------|
| A. National Conference<br>of Bar Examiners                                  | 195                        | 195                         | 4                               | 4                     |
| B. Individual Attorneys                                                     | 396                        | 396                         | 4                               | 21                    |
| C. MSBA                                                                     | 16                         | 120                         | 0                               | 23                    |
| D. Governor's Office                                                        | 27                         | 81                          | 1                               | 6                     |
| E. Other State Discipline<br>Counsels/State Bars or<br>Federal Jurisdiction | 127                        | 126                         | 4                               | 6                     |
| F. F.B.I.                                                                   | 42                         | 44                          | 0                               | 0                     |
| G. Miscellaneous Requests                                                   | 23                         | 34                          | 0                               | 1                     |
| <b>TOTAL</b>                                                                | <b>826</b>                 | <b>996</b>                  | <b>13</b>                       | <b>61</b>             |
| (2022 totals for comparison)                                                | 799                        | 962                         | 45                              | 11                    |

## **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 FY24, significant resources of the Office were dedicated to inventorying and returning client files, and otherwise administering the trusteeship department of the Office. Although it can be burdensome, stepping in to assist former clients of deceased lawyers remains a valuable service to the profession and family members of deceased attorneys that the Office is proud to provide.

In September 2022, the Director was appointed trustee over the abandoned client files belonging to a disbarred attorney, Ignatius C. Udeani, and the Director was subsequently appointed trustee over Mr. Udeani's abandoned client trust account. Mr. Udeani had hundreds of clients files that needed to be inventoried and organized. In FY24, the Director completed her inventory of the files, contacted clients whose files are less than seven years old and/or contain a valuable original document(s), and returned or destroyed files pursuant to the clients' wishes. Additionally, the Director finalized her review of the trust account records and determined entitlement to the funds. This trusteeship was closed in April 2024 and the Director's retention schedule for the remaining files is detailed below. Mr. Udeani's trust account contained funds that appeared to be client funds, so the Director was able to obtain an order from the Court to disburse those funds (approximately \$2,500) to the Client Security Fund, which had paid out several claims involving Mr. Udeani.

In November 2023, the Director was appointed trustee over the client files belonging to deceased attorney Gerald G. Dederick. The Director is currently conducting an inventory of the files and, upon completion, will begin contacting clients

whose files are less than seven years old and/or contain a valuable original document(s).

In July 2023, the Director closed the trusteeship of Edward H. Rasmussen and the Director's retention schedule for the remaining client files is detailed below.

The Director continues to retain the following client files or is in the process of expunging the following records:

- Jan Stuurmans trusteeship – valuable original documents are eligible for expunction in June 2024.
- Francis E. Muelken trusteeship – 291 files are eligible for expunction in June 2024.
- Joel R. Puffer trusteeship – valuable original documents are eligible for expunction in July 2024.
- David A. Lingbeck trusteeship – valuable original documents are eligible for expunction in October 2025.
- David J. Van House trusteeship – valuable original documents are eligible for expunction in December 2025.
- David O.N. Johnson trusteeship – 20 files are eligible for expunction in December 2024, except for documents the Director determines to be of value, which are eligible for expunction in December 2026.
- Steven B. Szarke trusteeship – 16 files are eligible for expunction in December 2024, except for documents the Director determines to be of value, which are eligible for expunction in December 2026.
- Aleksandra Ljubisavljevic – 252 files are eligible for expunction in July 2025, apart from documents the Director determines to be of value, which are eligible for expunction in July 2027.
- Patricia G. Mattos – 179 files are eligible for expunction in May 2026, except for documents the Director determines to be of value, which are eligible for expunction in May 2028.

- Edward H. Rasmussen – 42 files are eligible for expunction in July 2026, except for documents the Director determines to be of value, which are eligible for expunction in July 2028.
- Ignatius C. Udeani – 657 files are eligible for expunction in April 2027, except for documents the Director determines to be of value, which are eligible for expunction in April 2029.

#### **K. Professional Firms.**

Under the Minnesota Professional Firms Act, Minn. Stat. § 319B.01 to 319B.12, professional firms engaged in the practice of law for profit 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 2023 (December 1, 2022—November 30, 2023), there were 59 new professional firm filings. Fees collected from professional firm filings are included in the Board's annual budget. As of June 4, 2024, the Director's Office received \$54,600 from 1994 professional firm filings during fiscal year 2024.

An assistant director, paralegal, and administrative clerk staff the professional firms department. For fiscal year 2024 (as of June 4, 2024), the total attorney work time for overseeing the professional firms department was approximately 50 hours. The total non-attorney time was 428 hours.

#### **IV. DISTRICT ETHICS COMMITTEES (DECs).**

Minnesota is one of a limited number of jurisdictions in the United States that continues to use local volunteers to conduct the preliminary investigation of many ethics complaints. Each DEC corresponds to an MSBA bar district, and each is assigned a staff lawyer from the OLPR as a liaison to that DEC. Currently, there are 223 DEC volunteers.

Initial review of complaints by practitioners and nonlawyers is valuable in reinforcing confidence in the system. The overall quality of the DEC investigative reports remains high, particularly after the roll-out of a new report form. For calendar year 2023, the Director's Office followed DEC recommendations in 80% of investigated matters which were closed during the year. This is consistent with prior year numbers. 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 known, and thus not considered by the DEC in making its recommendation. These matters are counted as not following the DEC recommendation.

In 2023, the monthly average number of files under DEC consideration was 103, fluctuating between a low of 89 and a high of 112. The year-to-date average for 2024 is 97, as of May 2024. Rule 7(c), RLPR, provides a 90-day goal for completing the DEC portion of the investigation. For calendar year 2023, the DECs completed 270 investigations, taking an average of four months to complete each investigation.

For calendar year 2023, files closed that had a DEC investigation included the following dispositions (measured by the number of files, rather than lawyers):

|                                        |     |
|----------------------------------------|-----|
| Administratively closed                | 1   |
| Admonition                             | 46  |
| Attorney Deceased                      | 1   |
| Determination discipline not warranted | 184 |
| Panel Dismissal                        | 1   |
| Private Probation                      | 1   |
| Probation Extended                     | 1   |
| SC Disbarment                          | 1   |
| SC Suspension                          | 12  |

The annual seminar for DEC members will be held this year on Friday, September 27, 2024. All DEC members, plus members of the bench and bar with connection to the discipline system, are invited. Active discipline system volunteers and court personnel attend the seminar at no cost.

Rule 3(a)(2), RLPR, requires that at least 20 percent of each DEC be nonlawyers. The rule's 20 percent requirement is important 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; however, as of June 4, 2024, nine districts are not in full compliance. This is due in part to changing attorney member numbers, which impact the percentage requirements for public members, and in part (for three outstate committees), challenges finding any public members to serve. The Office and DEC Chairs continue to work to address these challenges.

## **V. SUMMARY.**

FY24 was a strong and productive year for the Board and the OLPR. New Board and OLPR team members continue to gain expertise and experience, and both aspects of the attorney regulation system were thankful for the Court's thoughtful consideration of the ABA recommendations. The Board and the Office have long appreciated the active engagement of the Court and its commitment to optimizing the fairness, effectiveness, transparency, accountability, and efficiency of Minnesota's

professional responsibility and discipline system. We are fortunate to have hard-working, collaborative, positive and professional team members in the Office. Further, we are particularly fortunate to work with many dedicated volunteers on the Board and within the District Ethics Committees. We simply could not do what we do without these dedicated and talented volunteers who commit thousands of hours each year to the professional regulation system. While current funding is sufficient to see the Board and OLPR through this biennium (with the long-planned transfer from the Client Security Board), due to funding needs, significant decisions will need to be made regarding funding beyond this biennium. We wish to thank Chief Justice Natalie Hudson for her extraordinary liaison work with the Board and Office before her appointment as Chief Justice and thank Justice Margaret Chutich for her excellent service as liaison before her retirement.

Dated: July 1, 2024.

For the Board:

/s/Benjamin J. Butler

BENJAMIN J. BUTLER

CHAIR, LAWYERS PROFESSIONAL  
RESPONSIBILITY BOARD

For the OLPR:

/s/Susan M. Humiston

SUSAN M. HUMISTON

DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY

## **LAWYERS PROFESSIONAL RESPONSIBILITY BOARD**

**Benjamin J. Butler, St. Paul** - Attorney member. MSBA nominee. LPRB Chair. Term expires January 31, 2026. Serves on LPRB Rules Committee. Managing Attorney, Office of the Minnesota Appellate Public Defender. Area of expertise: Criminal law.

**Landon J. Ascheman, St. Anthony** - Attorney member. MSBA nominee. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee and Equity, Equality & Inclusion Committee. Served on Fourth District Ethics Committee for three years. Founder of Ascheman Law, LLC. Area of law: Criminal.

**Daniel J. Cragg, Minneapolis** - Attorney member. MSBA nominee. Term expires January 31, 2026. Serves on LPRB Rules and Opinions Committee. Partner at Eckland & Blando, LLP. Member of MSBA's Rules of Professional Conduct Committee since 2014.

**Katherine A. Brown Holmen, Eagan** - Attorney member. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee. Served on Second District Ethics Committee for six years. Attorney at Dudley and Smith, P.A. Area of practice: Personal Injury.

**Michael Friedman, Minneapolis** - Public member. Term expires January 31, 2026. Serves on LPRB Opinion Committee and Equity, Equality & Inclusion Committee. Served on Hennepin County District Ethics Committee nearly seven years. Executive Director of Legal Rights Center. Former Board Chair of the Minneapolis Civilian Police Review Authority.

**Thomas J. Gorowsky, Minneapolis** - Public member. Term expires January 31, 2027. Director at Financial Advisors LLC. Certified public accountant, Certified Management Accountant, and Certified Valuation Analyst. Testifying financial expert in litigated matters. Also serves on the Valuation Credentialing Board and the Credentialing Commissions Board for the National Association of Certified Valuators and Analysts.

**Jordan Hart, St. Louis Park** - Public member. Term expires January 31, 2025. Licensed doctoral level clinical psychologist for twenty years. Owner of private practice. Served on the Board of Directors for the Association of Family and Conciliation Courts for the past four years. Current member of the Minnesota ADR Ethics Board. Also a member of the Minnesota Psychological Association (where she previously served for three years on their Ethics Committee).

**Tommy A. Krause, Virginia** - Public member. Term expires January 31, 2025. Serves on LPRB Equity, Equality & Inclusion Committee. Served on 20th District Ethics Committee for six years. Serves as Vice President on the Board of Directors for Range Mental Health Center and as President of the Virginia Area United States Bowling Congress Association. Served as member of the Board of the Northern St. Louis County Habitat for Humanity. Retired law enforcement officer for the Virginia Police Department. Areas of expertise: Criminal and internal investigations.

**Paul J. Lehman, Minnetonka** - Public member. Term expires January 31, 2026. Serves on LPRB Training, Education and Outreach Committee. Served on Hennepin County District Ethics Committee for three years.

**Frank Leo, Lakeville** - Public member. Term expires January 31, 2026. Director of Optum Advisory Services at UnitedHealth Group. Served on 1st District Ethics Committee for six years. Treasurer for the Lakeville North High School Speech Boosters program. Former board member of the River Valley Nursing Center.

**Kevin M. Magnuson, Stillwater** - Attorney member. Term expires January 31, 2026. After 20 years of practicing law, joined the Washington County Attorney's Office in 2019 and has handled complex civil and criminal matters, such as fraud and vulnerable adult cases, attorney ethics, redistricting, election law, multi-county joint powers boards, and advising the county board and administration. Currently serves as the elected Washington County Attorney. He is active in several nonprofit and charitable organizations.

**Melissa Manderschied, St. Paul** - Attorney member. Term expires January 31, 2026. Serves as Bloomington City Attorney. Formerly served as counsel to several Minnesota cities and nonprofit organizations. Established a career in community organizing and land-use planning before becoming an attorney. Area of law: government law.

**Jill Nitke, Coon Rapids** - Public member. Term expires January 31, 2027. Investigator with the Tenth Judicial District Public Defender's Office. Trustee and steward for Teamsters Local 320, and president of the Oakwood Park Condo Association.

**Kristi J. Paulson, Burnsville** - Attorney member. Vice-Chair to the Board. MSBA nominee. Term expires January 31, 2025. Serves on LPRB Training, Education and Outreach Committee. President of Kristi J. Paulson, Chartered Law Firm since 1998. Minnesota Rule 114 Qualified Mediator and Arbitrator since 2017.

**William Z. Pentelovitch, Minneapolis** - Attorney member. Term expires January 31, 2025. Serves on LPRB Equity, Equality & Inclusion Committee. Partner at Maslon, LLP. Trial lawyer for more than 46 years. Fellow, International Academy of Trial Lawyers and 2020 Recipient of Lifetime Achievement Award from Minnesota State Bar Association. Served on HCBA District Ethics Committee. Served eight years on Civil Trial Certification Council of the MSBA. Area of expertise: Complex business litigation.

**Jill Prohofsky, St. Paul** - Attorney member. MSBA nominee. Term expires January 31, 2027. Chief Child Support Magistrate. Oversees judicial officers in IV-D child support program. Appointed in all 10 judicial districts and continues to hear calendars. Currently serving as the HCBA rep to the MSBA Assembly.

**Matthew Ralston, Minneapolis** - Attorney member. Term expires January 31, 2026. Serves as a parents' attorney with Hennepin County and on the Minnesota Supreme Court Rules Committee for juvenile probation. Member of Minnesota American Indian Bar Association.

**Wendy L. Sturm, Brainerd** - Attorney member. MSBA nominee. Term expires January 31, 2026. Managing Attorney and Assistant Public Defender for the 9th Judicial District. Former police officer, guardian ad litem, and deputy sheriff prior to joining the defense bar. Area of law: criminal law.

**Sharon H. Van Leer, Woodbury** - Public member. Term expires January 31, 2026. Director for Diversity, Equity & Inclusion at Mitchell Hamline School of Law. Serves as Board Chair for South Washington County School District 833. Served on Fourth District Ethics Screening Committee since 2020.

**Carol ("Carrie") R. Washington, Minneapolis** - Attorney member. Term expires January 31, 2026. Practiced in the private and public sector for 11 years. Prior to law school, worked in the nonprofit and government sector for seven years. Serves as Charities Division Manager for the Office of the Minnesota Attorney General. Area of law: Government, Civil Litigation/Enforcement, Nonprofit/Charities.

**Antoinette M. Watkins, Minneapolis** - Public member. Term expires January 31, 2024. Serves on LPRB Executive Committee. Regional Director for Wells Fargo Institutional Retirement and Trust, Northeast and Mid-Atlantic Territory. Ongoing and ad hoc volunteer for various organizations within the Twin Cities.

**John M. Zwier, St. Paul** - Attorney member. Term expires January 31, 2007. Served on Second District Ethics Committee. Practiced law as a U.S. District Court of Minnesota judicial clerk, a U.S. Army Reserve Judge Advocate, an intellectual property litigation attorney and as a contract attorney for the U.S. Attorney's Office for the District of Minnesota. Also serves as an appointed Referee for Ramsey County Conciliation Court.

**Table I**  
**Complaint Statistics 2000–2023**

|                    | <b>Files</b>         | <b>Files</b>         |
|--------------------|----------------------|----------------------|
| <b><u>Year</u></b> | <b><u>Opened</u></b> | <b><u>Closed</u></b> |
| <b>2000</b>        | 1362                 | 1288                 |
| <b>2001</b>        | 1246                 | 1277                 |
| <b>2002</b>        | 1165                 | 1226                 |
| <b>2003</b>        | 1168                 | 1143                 |
| <b>2004</b>        | 1147                 | 1109                 |
| <b>2005</b>        | 1150                 | 1148                 |
| <b>2006</b>        | 1222                 | 1171                 |
| <b>2007</b>        | 1226                 | 1304                 |
| <b>2008</b>        | 1258                 | 1161                 |
| <b>2009</b>        | 1206                 | 1229                 |
| <b>2010</b>        | 1366                 | 1252                 |
| <b>2011</b>        | 1341                 | 1386                 |
| <b>2012</b>        | 1287                 | 1287                 |
| <b>2013</b>        | 1256                 | 1279                 |
| <b>2014</b>        | 1293                 | 1248                 |
| <b>2015</b>        | 1210                 | 1332                 |
| <b>2016</b>        | 1215                 | 1264                 |
| <b>2017</b>        | 1110                 | 1073                 |
| <b>2018</b>        | 1107                 | 1115                 |
| <b>2019</b>        | 1003                 | 1029                 |
| <b>2020</b>        | 930                  | 969                  |
| <b>2021</b>        | 946                  | 909                  |
| <b>2022</b>        | 1020                 | 1030                 |
| <b>2023</b>        | 1151                 | 1072                 |

**TABLE II**  
**Supreme Court Dispositions and Reinstatements 2014-2023**  
**Number of Lawyers**

|      | Disbar. | Susp.           | Reprimand<br>Probation | Reprimand | Dismissal | Reinstated      | Reinstate<br>Denied | Disability | SC<br>AD/Aff | Other          | Total           |
|------|---------|-----------------|------------------------|-----------|-----------|-----------------|---------------------|------------|--------------|----------------|-----------------|
| 2014 | 6       | 22              | 6                      | 5         | -         | 10              | 1                   | 0          | 0            | 1 <sup>3</sup> | 51              |
| 2015 | 6       | 47              | 8                      | 4         | -         | 14              | -                   | 1          | -            | -              | 80              |
| 2016 | 6       | 27 <sup>1</sup> | 4                      | 6         | 2         | 20              | 2                   | 2          | 1            | 1 <sup>3</sup> | 71 <sup>1</sup> |
| 2017 | 5       | 26              | 5                      | 4         | -         | 12 <sup>1</sup> | -                   | 3          | 1            | 1 <sup>4</sup> | 57 <sup>1</sup> |
| 2018 | 8       | 23              | 8                      | 6         | -         | 12              | -                   | 6          | 1            | 1 <sup>3</sup> | 65              |
| 2019 | 5       | 22              | 4                      | 4         | -         | 10              | 1                   | 1          | 1            | -              | 48              |
| 2020 | 3       | 24              | 5                      | 1         | -         | 10 <sup>1</sup> | -                   | 5          | -            | 1 <sup>2</sup> | 49 <sup>1</sup> |
| 2021 | 4       | 17              | 4                      | 3         | -         | 8               | 2                   | 1          | -            |                | 39              |
| 2022 | 5       | 21              | 6                      | 4         | 1         | 8               |                     | 3          |              | 1 <sup>5</sup> | 49              |
| 2023 | 3       | 24              | 1                      | 0         | 0         | 12              | 4                   | 2          | 0            | 0              | 46              |

<sup>1</sup>Number corrected

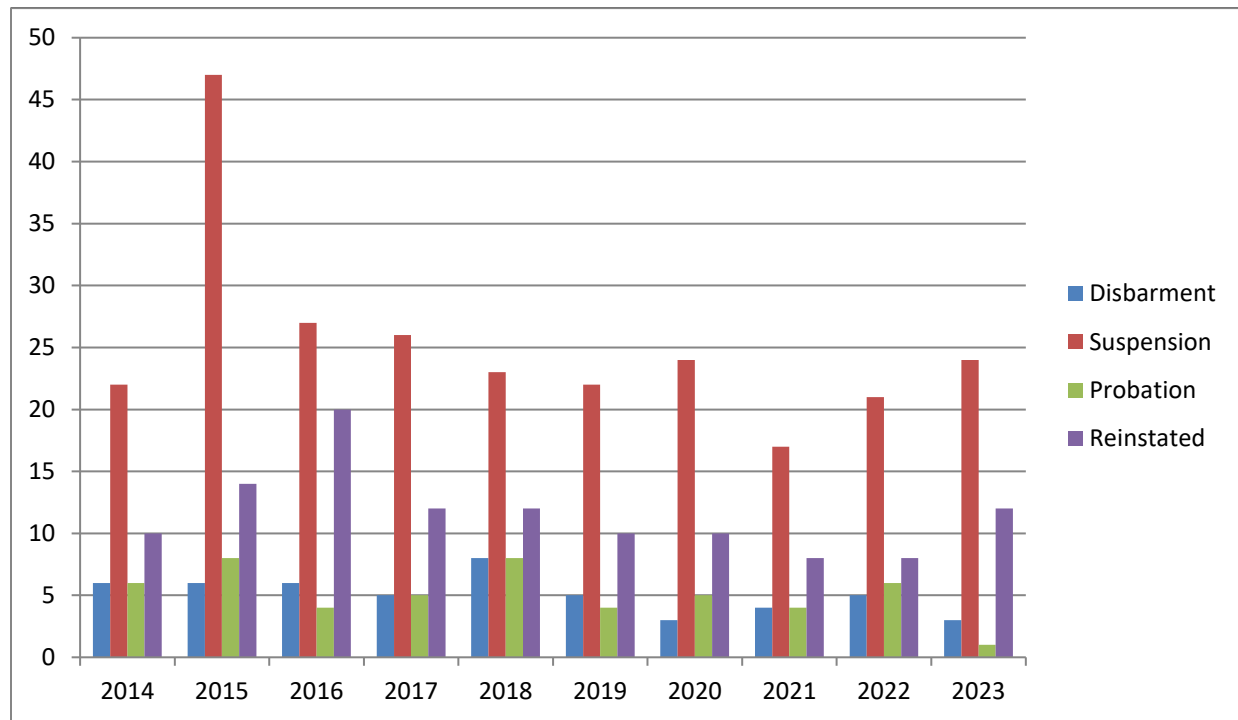
<sup>2</sup>Stayed Disbarment

<sup>3</sup>Reinstatement dismissed

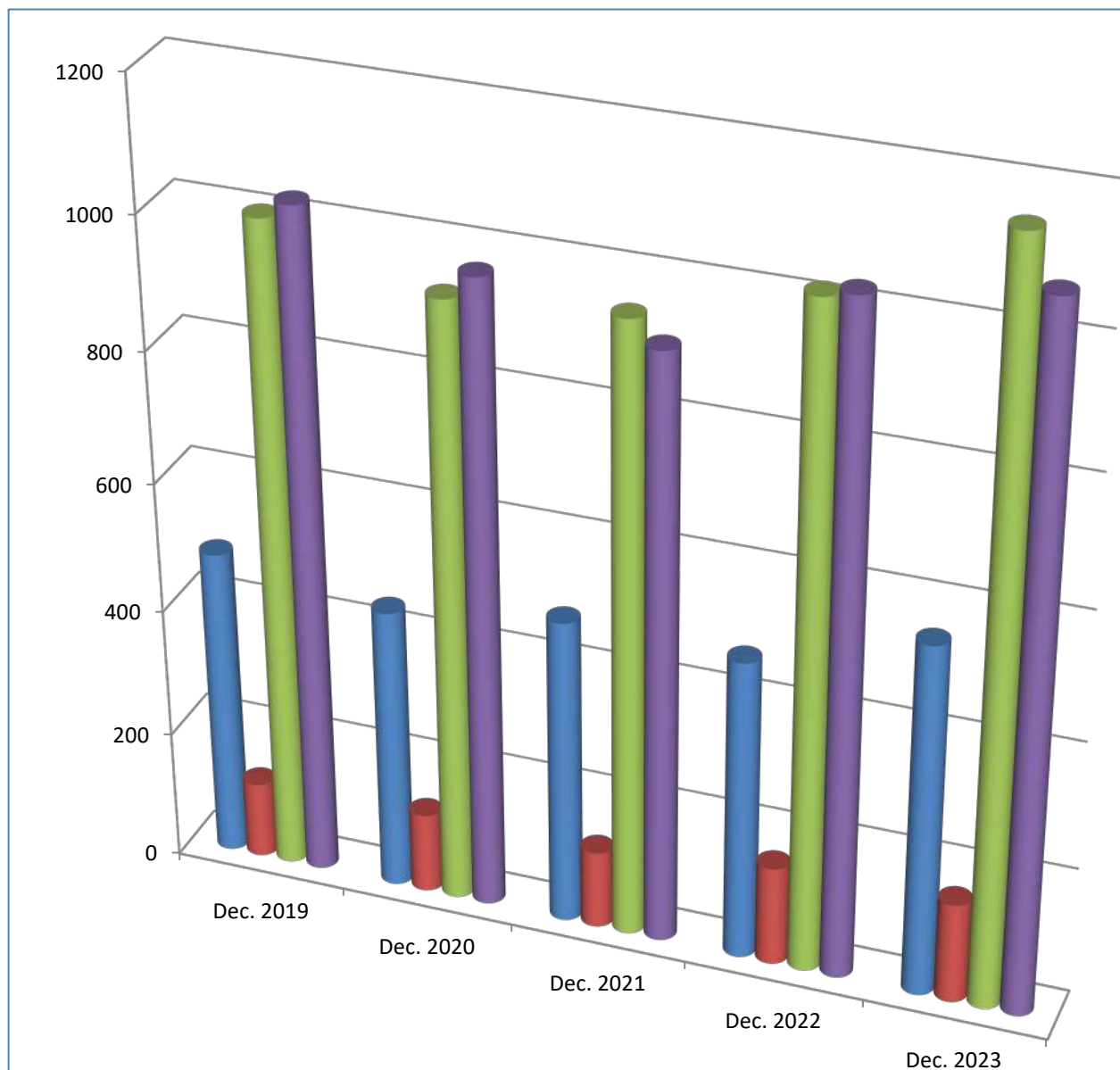
<sup>4</sup>Supreme Court Probation Extended

<sup>5</sup>Rule 30 Suspension

**TABLE III**  
**Disbarments, Suspensions, Probations and Reinstatements 2014-2023**



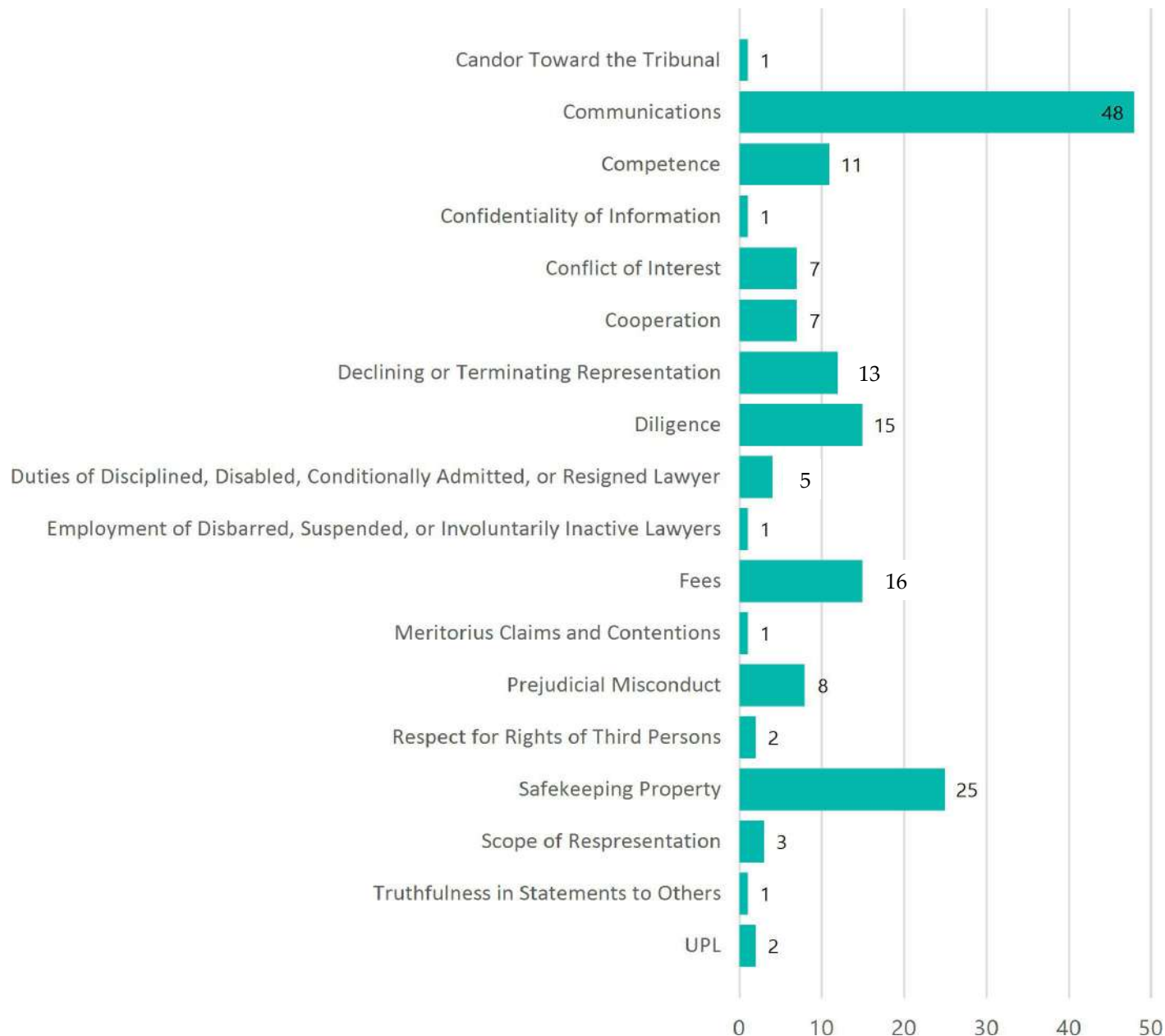
**TABLE IV**  
**File Openings, Closings and Year Old Files 2019-2023**



|                               | Dec. 2019 | Dec. 2020 | Dec. 2021 | Dec. 2022 | Dec. 2023 |
|-------------------------------|-----------|-----------|-----------|-----------|-----------|
| ■ Total Open Files            | 482       | 442       | 479       | 471       | 551       |
| ■ Cases at Least One Year Old | 119       | 125       | 122       | 156       | 158       |
| ■ Complaints Received YTD     | 1,003     | 930       | 946       | 1,020     | 1,151     |
| ■ Files Closed YTD            | 1,029     | 969       | 909       | 1,030     | 1,072     |

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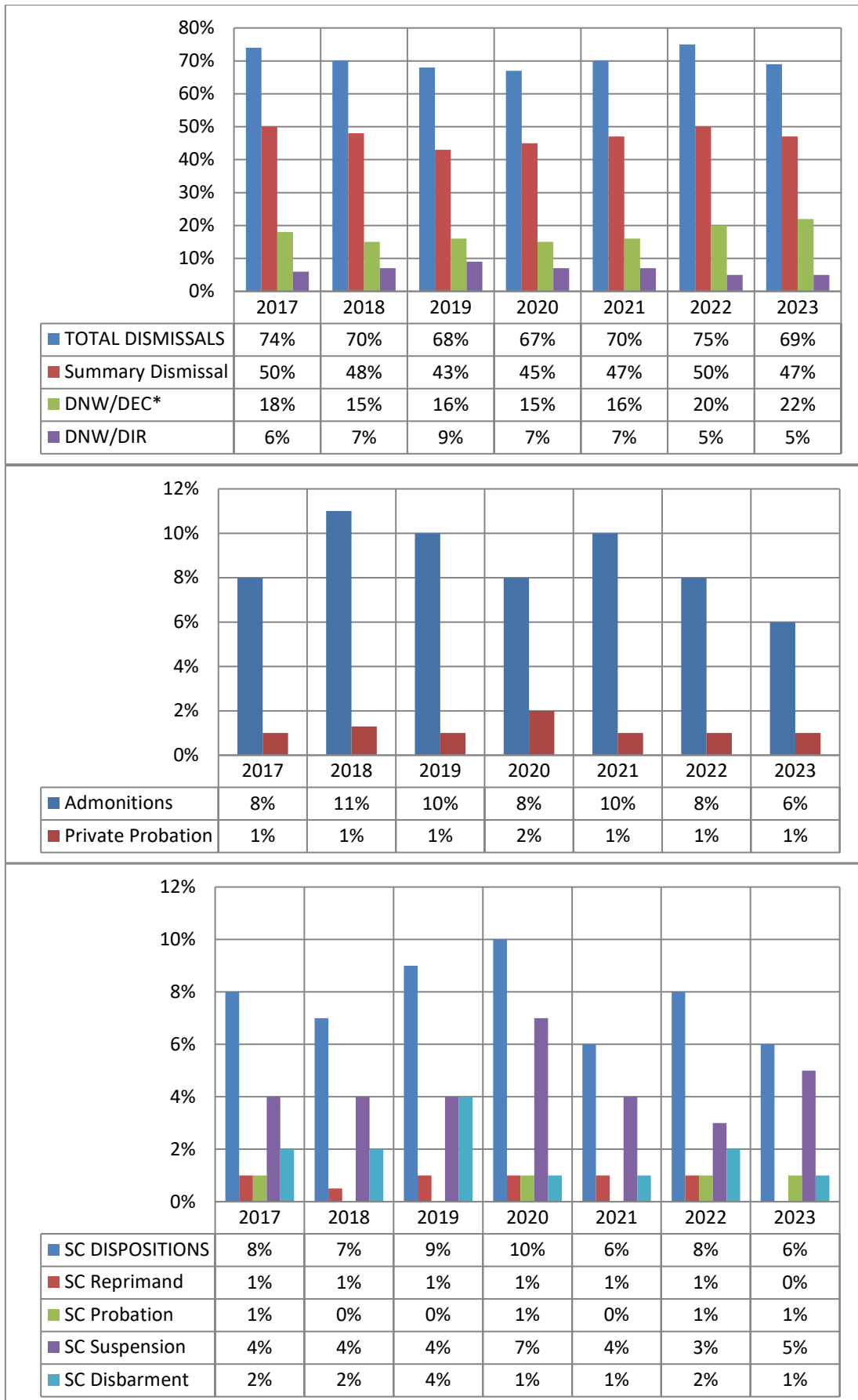
TABLE V: AREAS OF MISCONDUCT – ADMONITIONS 2023 \*



\* Between 1/1/2023 AND 12/31/2023, the Office issued 68 admonitions involving 167 rule violations.

This chart reflects the number of rule violations involved in those 68 admonitions, organized by area of misconduct.

**TABLE VI**  
**Percentage of Files Closed**



\*Includes DEC Investigation files further investigated by the Director

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TABLE VII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2022

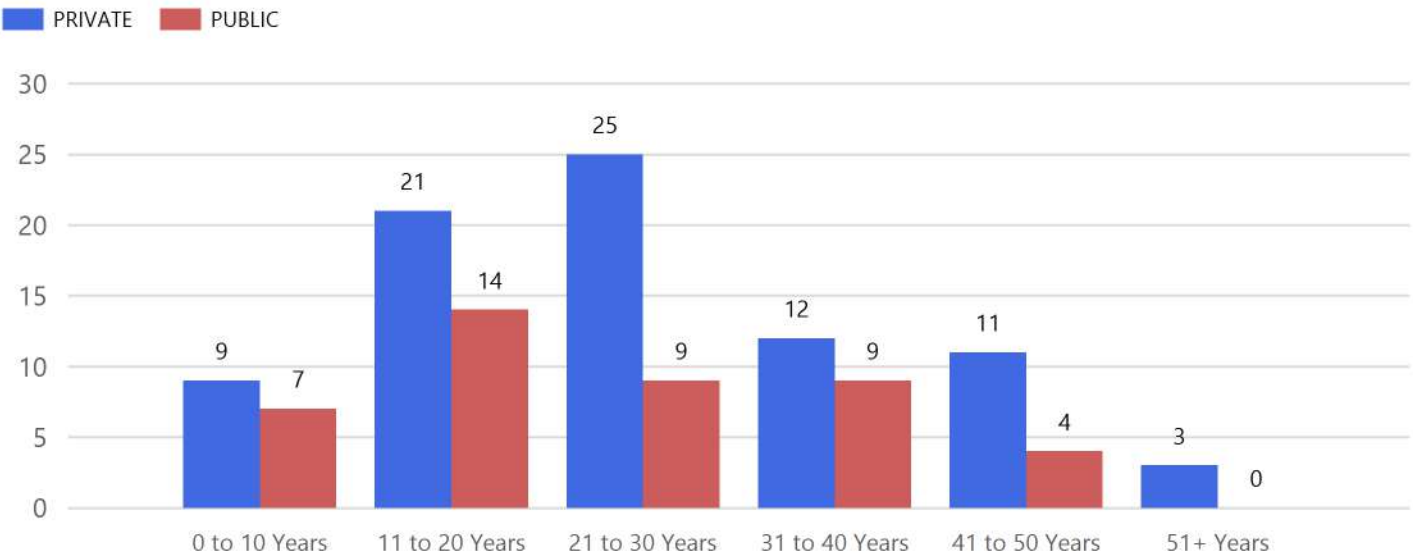
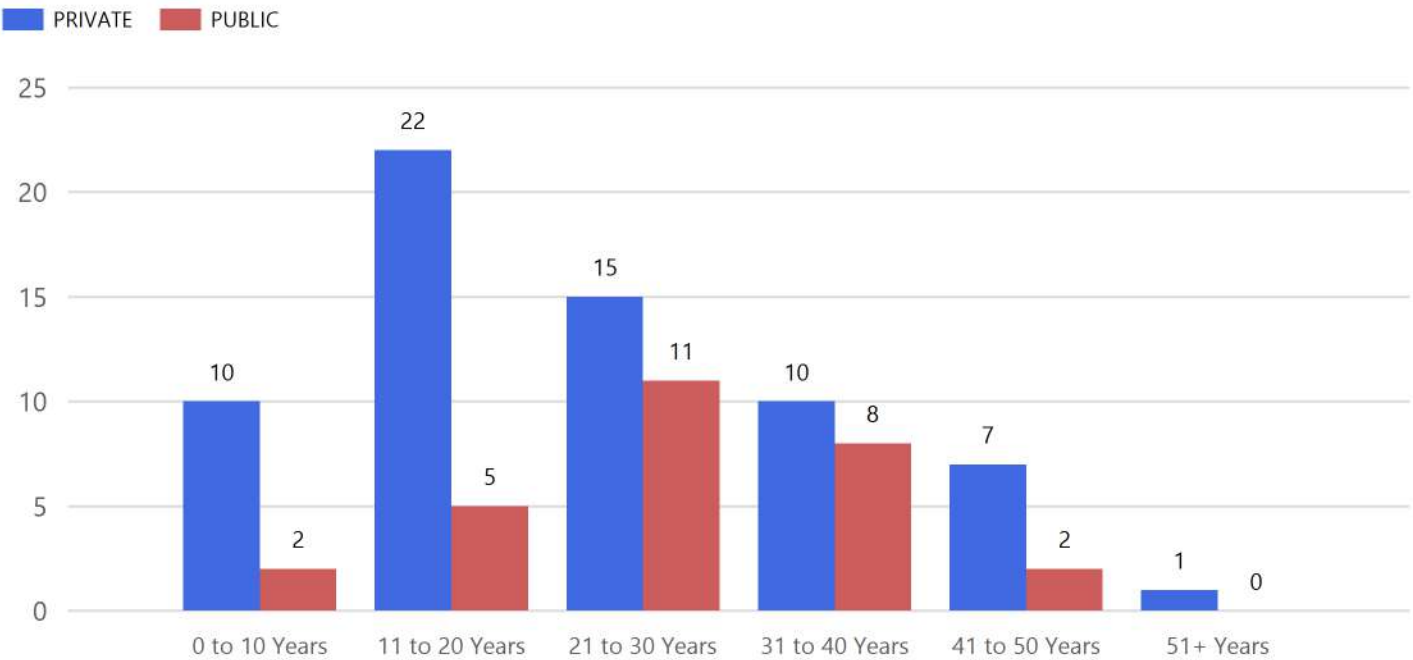
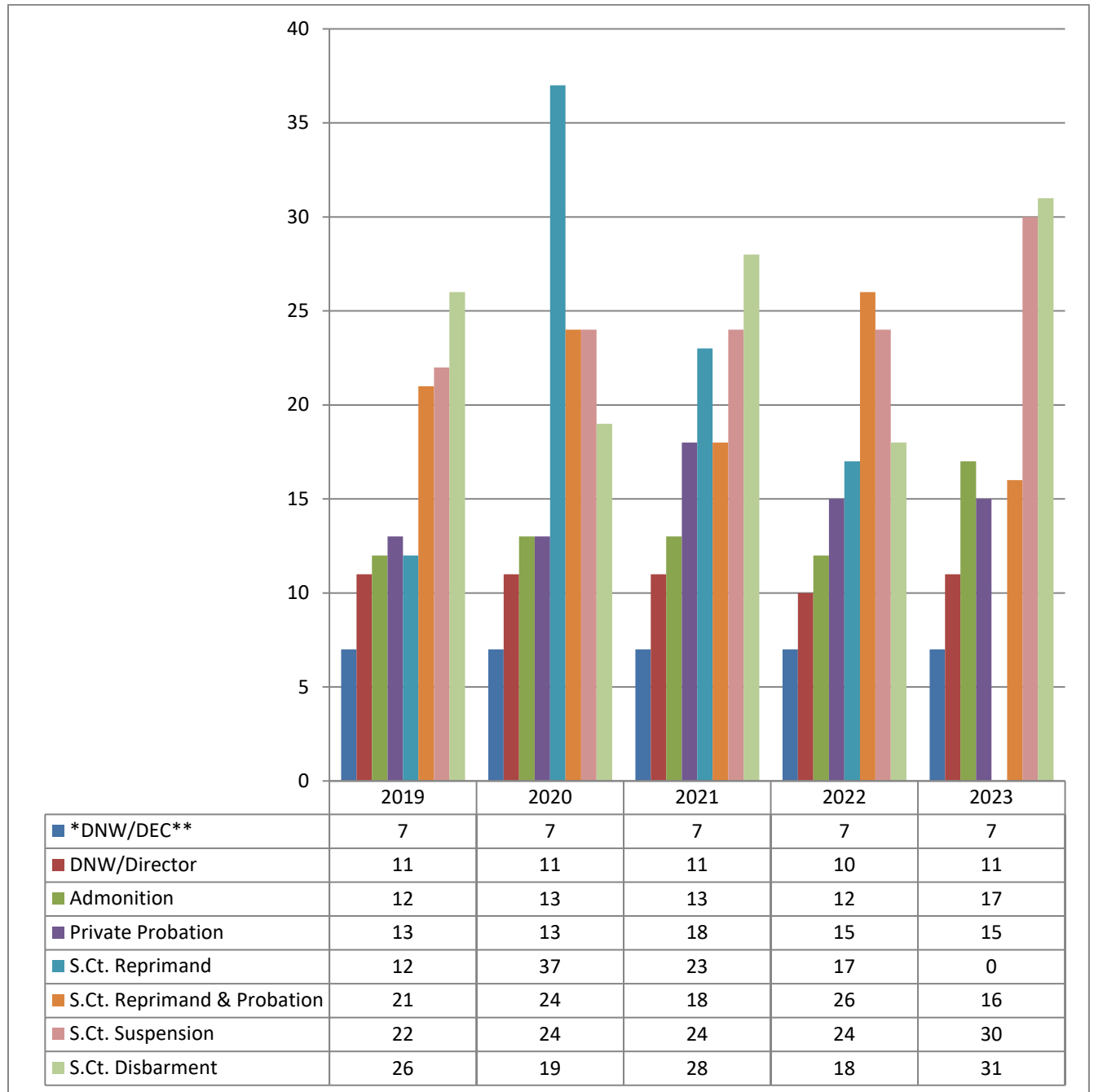


TABLE VIII: AVERAGE YEARS OF PRACTICE FOR LAWYERS DISCIPLINED - 2023



**TABLE IX**  
Average Number of Months File was Open at Disposition



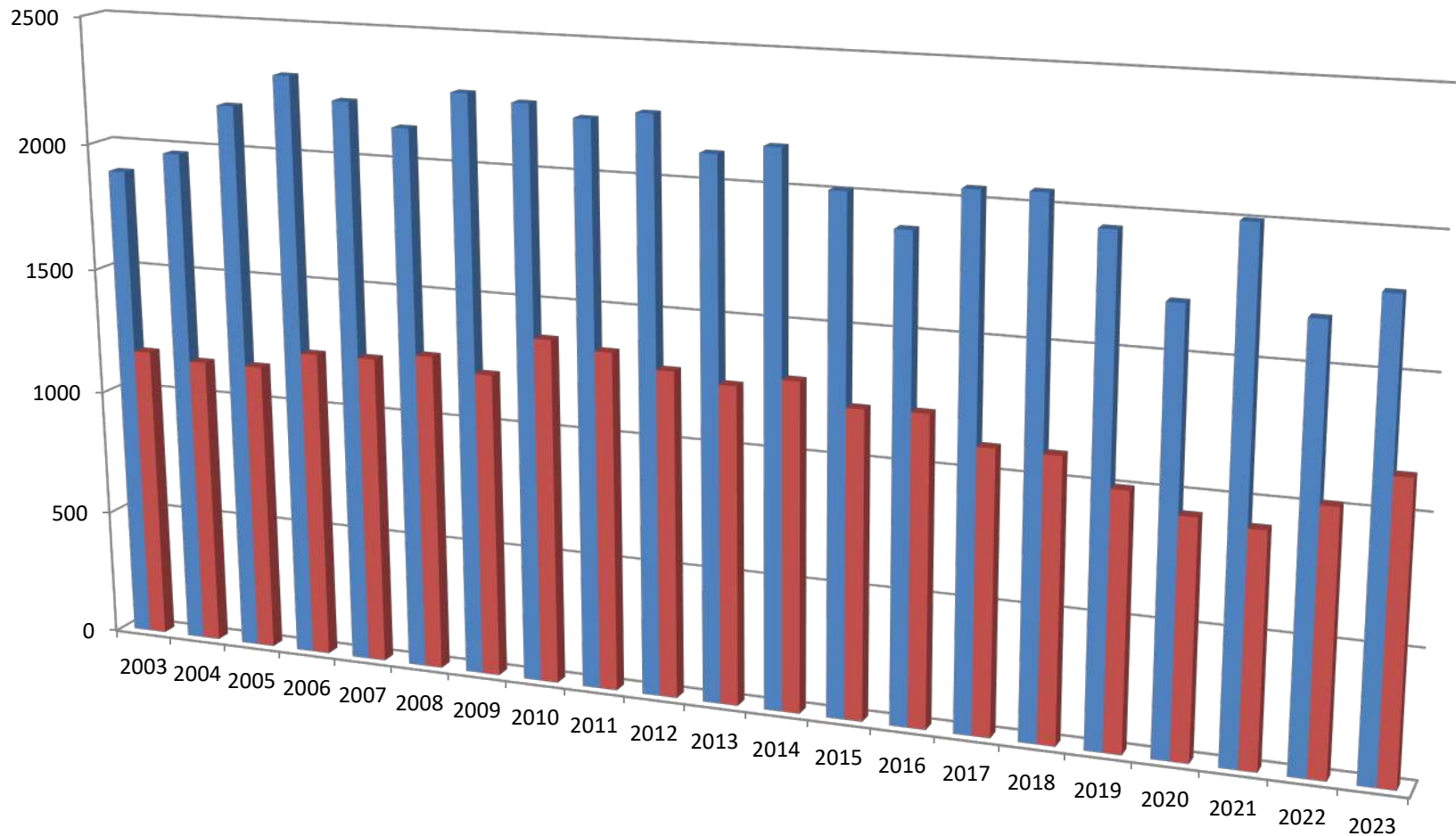
\*Discipline Not Warranted  
\*\*District Ethics Committee

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TABLE X: PUBLIC DISCIPLINE DECISIONS 2023

| Determination Year | Disbarments | Suspensions (all) | Reprimand and Probations | Reprimands | Year Total  |
|--------------------|-------------|-------------------|--------------------------|------------|-------------|
| 1989               | 5           | 18                | 8                        | 3          | 34          |
| 1990               | 8           | 27                | 9                        | 10         | 54          |
| 1991               | 8           | 14                | 10                       | 6          | 38          |
| 1992               | 7           | 17                | 7                        | 5          | 36          |
| 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                | 6                        | 2          | 34          |
| 1998               | 15          | 18                | 10                       | 2          | 45          |
| 1999               | 3           | 12                | 5                        | 0          | 20          |
| 2000               | 6           | 19                | 10                       | 2          | 37          |
| 2001               | 3           | 15                | 9                        | 2          | 29          |
| 2002               | 4           | 18                | 6                        | 1          | 29          |
| 2003               | 6           | 15                | 4                        | 0          | 25          |
| 2004               | 5           | 10                | 3                        | 1          | 19          |
| 2005               | 6           | 22                | 6                        | 1          | 35          |
| 2006               | 8           | 26                | 10                       | 5          | 49          |
| 2007               | 5           | 22                | 6                        | 1          | 34          |
| 2008               | 4           | 18                | 13                       | 2          | 37          |
| 2009               | 5           | 23                | 4                        | 6          | 38          |
| 2010               | 7           | 9                 | 7                        | 3          | 26          |
| 2011               | 2           | 18                | 5                        | 2          | 27          |
| 2012               | 6           | 26                | 8                        | 1          | 41          |
| 2013               | 11          | 28                | 9                        | 4          | 52          |
| 2014               | 6           | 22                | 6                        | 5          | 39          |
| 2015               | 6           | 46                | 8                        | 4          | 64          |
| 2016               | 6           | 27                | 4                        | 6          | 43          |
| 2017               | 5           | 26                | 6                        | 4          | 41          |
| 2018               | 8           | 23                | 8                        | 6          | 45          |
| 2019               | 5           | 22                | 4                        | 4          | 35          |
| 2020               | 3           | 24                | 5                        | 1          | 33          |
| 2021               | 4           | 17                | 4                        | 3          | 28          |
| 2022               | 5           | 21                | 7                        | 4          | 37          |
| 2023               | 3           | 24                | 1                        | 0          | 28          |
| <b>Total</b>       | <b>208</b>  | <b>717</b>        | <b>240</b>               | <b>103</b> | <b>1268</b> |

**TABLE XI**  
**Advisory Opinion Requests Received**  
**and**  
**Number of Complaints Opened**  
**2003 – 2023**



|                              | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
|------------------------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| ■ Advisory Opinions Received | 1889 | 1974 | 2177 | 2307 | 2223 | 2135 | 2282 | 2258 | 2215 | 2249 | 2116 | 2156 | 2012 | 1888 | 2051 | 2057 | 1943 | 1700 | 2004 | 1683 | 1792 |
| ■ Complaints Opened          | 1168 | 1147 | 1150 | 1222 | 1226 | 1257 | 1206 | 1365 | 1337 | 1287 | 1253 | 1293 | 1210 | 1216 | 1110 | 1107 | 1003 | 930  | 909  | 1020 | 1151 |

| Table XIII                                |                                                 |      |      |
|-------------------------------------------|-------------------------------------------------|------|------|
| Advisory Opinions Subject Matter by Rule* |                                                 |      |      |
| Rule                                      | Description                                     | 2022 | 2023 |
| 1.1                                       | Competence                                      | 32   | 35   |
| 1.2                                       | Scope of Representation                         | 77   | 50   |
| 1.3                                       | Diligence                                       | 12   | 11   |
| 1.4                                       | Communication                                   | 170  | 149  |
| 1.5                                       | Fee Agreements and Fees - Generally             | 122  | 126  |
| 1.6                                       | Client Confidentiality                          | 368  | 390  |
| 1.7                                       | Conflict of Interest - Generally                | 287  | 271  |
| 1.8                                       | Conflict of Interest - Transactions             | 72   | 69   |
| 1.9                                       | Conflict - Former Clients Generally             | 203  | 177  |
| 1.10                                      | Imputed Disqualification - Generally            | 63   | 48   |
| 1.11                                      | Government Lawyer Conflicts Generally           | 20   | 20   |
| 1.12                                      | Former Judges & Law Clerks                      | 8    | 6    |
| 1.13                                      | Organization as Client                          | 17   | 16   |
| 1.14                                      | Disabled Client - Generally                     | 61   | 56   |
| 1.15                                      | Trust Accounts - Generally                      | 158  | 198  |
| 1.16                                      | Withdrawal from Representation                  | 439  | 405  |
| 1.17                                      | Sale or Termination of Law Practice             | 16   | 11   |
| 1.18                                      | Prospective Clients                             | 52   | 42   |
| 2.1                                       | Advisor                                         | 7    | 2    |
| 2.4                                       | Lawyer Serving as 3rd Party Neutral             | 3    | 2    |
| 3.1                                       | Meritorious Claims                              | 26   | 11   |
| 3.2                                       | Expediting Litigation                           | 4    | 0    |
| 3.3                                       | Candor Toward the Tribunal                      | 87   | 60   |
| 3.4                                       | Fairness to Opposing Counsel                    | 52   | 37   |
| 3.5                                       | Contact with jurors or venire                   | 5    | 7    |
| 3.6                                       | Trial Publicity                                 | 0    | 3    |
| 3.7                                       | Attorney as Witness                             | 20   | 17   |
| 3.8                                       | Special Prosecutor Duties                       | 9    | 5    |
| 3.9                                       | Non-adjudicative Proceedings                    | 1    | 0    |
| 4.1                                       | Candor to Others                                | 21   | 5    |
| 4.2                                       | Contact with Represented Party                  | 76   | 74   |
| 4.3                                       | Contact with Unrepresented Party                | 50   | 41   |
| 4.4                                       | Respect for Third Persons' Rights               | 14   | 23   |
| 5.1                                       | Supervisory Lawyers                             | 1    | 2    |
| 5.2                                       | Subordinate Lawyers                             | 1    | 2    |
| 5.3                                       | Non-Lawyer Employees                            | 6    | 11   |
| 5.4                                       | Professional Independence                       | 15   | 29   |
| 5.5                                       | Unauthorized Practice                           | 70   | 92   |
| 5.6                                       | Covenants Not to Compete                        | 4    | 4    |
| 5.7                                       | Responsibilities Regarding Law Related Services | 3    | 3    |
| 5.8                                       | Employment of Suspended Attorney                | 6    | 7    |
| 6.1                                       | Voluntary Pro Bono                              | 16   | 2    |
| 6.2                                       | Accepting Appointments                          | 1    | 0    |
| 6.3                                       | Legal Services Organizations                    | 1    | 0    |
| 6.5                                       | Pro Bono Limited Legal Services Programs        | 3    | 0    |
| 7.1                                       | Advertising Generally                           | 28   | 35   |
| 7.2                                       | Technical Requirements                          | 18   | 17   |
| 7.3                                       | Solicitation Generally                          | 10   | 19   |
| 7.4                                       | Specialization                                  | 1    | 1    |
| 7.5                                       | Letterhead & Firm Name                          | 11   | 6    |
| 8.1                                       | Admission and Discipline                        | 1    | 2    |
| 8.2                                       | Legal Officials                                 | 2    | 0    |
| 8.3                                       | Duty to Report Attorney Misconduct              | 74   | 104  |
| 8.4                                       | Misconduct                                      | 70   | 71   |
| 99                                        | Dormant File Procedures                         | 74   | 82   |
|                                           | Totals                                          | 2968 | 2856 |

# OLPR SUMMARY OF PUBLIC MATTERS DECIDED

DETERMINATION DATES BETWEEN: 1/1/2023 AND 12/31/2023

## 46 DECISIONS INVOLVING 90 FILES

| <b>Supreme Court Disbarment</b> | <b>3 ATTORNEYS</b>  | <b>14 FILES</b> |
|---------------------------------|---------------------|-----------------|
| HERNANDEZ, JOHN T               | A21-0327            | 5               |
| RATGEN, BRADLEY H               | A21-0871            | 2               |
| UDEANI, IGNATIUS C              | A21-0754            | 7               |
| <b>Supreme Court Suspension</b> | <b>24 ATTORNEYS</b> | <b>56 FILES</b> |
| ASK, MITCHELL J                 | A22-1548            | 1               |
| BLOOMQUIST, ELIZABETH W         | A21-1411            | 1               |
| BRUGGEMAN, JULIE L              | A23-0671            | 1               |
| CARTER, DARRELL G               | A22-1701            | 10              |
| CASANOVA-ROERS, JENNIFER L      | A22-1813            | 1               |
| CUROTT, RICHARD W               | A23-0310            | 3               |
| ESPINOSA, ALEJANDRO A           | A20-1288            | 1               |
| GARDINER, GRACE I               | A22-0922            | 1               |
| HALUNEN, CLAYTON D              | A22-1403            | 2               |
| HILL, TIMOTHY P                 | A22-1311            | 1               |
| IGBANUGO, HERBERT A             | A21-0338            | 4               |
| INMAN, FRED W                   | A23-0396            | 1               |
| KASCHINSKE, JEREMY J            | A23-0820            | 1               |
| KEENAN, CHARLES E               | A22-1250            | 3               |
| LAVER, LARRY J                  | A21-1532            | 5               |
| LUDESCHER, DAVID L              | A22-0299            | 3               |
| MCCLOUD, SAMUEL A               | A22-0800            | 3               |
| MCLAUGHLIN, RYAN S              | A23-1056            | 3               |
| MERISSA, MIKAEL                 | A22-0951            | 4               |
| NEMER, DONALD B                 | A22-1836            | 2               |
| NICKITAS, PETER J               | A20-1529            | 1               |
| PERSON, JOHN B                  | A23-0669            | 2               |
| TONRY, HUNTER C                 | A23-1015            | 1               |
| WINTER, WILLIAM A               | A21-0831            | 1               |

| <b>Supreme Court Reprimand/Probation</b> | <b>1 ATTORNEYS</b> | <b>1 FILES</b> |
|------------------------------------------|--------------------|----------------|
| RUEDA, EDWARD S                          | A22-1486           | 1              |
| <b>Supreme Court Disability Status</b>   | <b>2 ATTORNEYS</b> | <b>3 FILES</b> |
| OLSON, JEFFRY G                          | A23-1305           | 1              |
| SALITERMAN, RICHARD A                    | A21-0764           | 2              |
| <b>Reinstated</b>                        | <b>7 ATTORNEYS</b> | <b>7 FILES</b> |
| AHN, JASON J                             | A22-1851           | 1              |
| BROWN, DANIEL J                          | A23-0021           | 1              |
| DAVISSON, PEDER K                        | A21-0878           | 1              |
| KEATE, KENNETH E                         | A22-0773           | 1              |
| PENDLETON, ALAN F                        | A15-1996           | 1              |
| WHITMAN, KURT G                          | A22-1481           | 1              |
| WINTER, WILLIAM A                        | A21-0831           | 1              |
| <b>Reinstatement/Probation</b>           | <b>5 ATTORNEYS</b> | <b>5 FILES</b> |
| CASANOVA-ROERS, JENNIFER L               | A22-1813           | 1              |
| FULLER, RANDALL J                        | A21-0929           | 1              |
| GARDINER, GRACE I                        | A22-0922           | 1              |
| SANCHEZ, JORGE L                         | A21-0268           | 1              |
| TOBERMAN, RACHEL L                       | A22-0424           | 1              |
| <b>Reinstatement Denied</b>              | <b>4 ATTORNEYS</b> | <b>4 FILES</b> |
| GREENMAN, MARK A                         | A22-0552           | 1              |
| KLOTZ, ADAM W                            | A22-0523           | 1              |
| MACDONALD, MICHELLE L                    | A21-1636           | 1              |
| MOSE, WILLIAM G                          | A20-0198           | 1              |

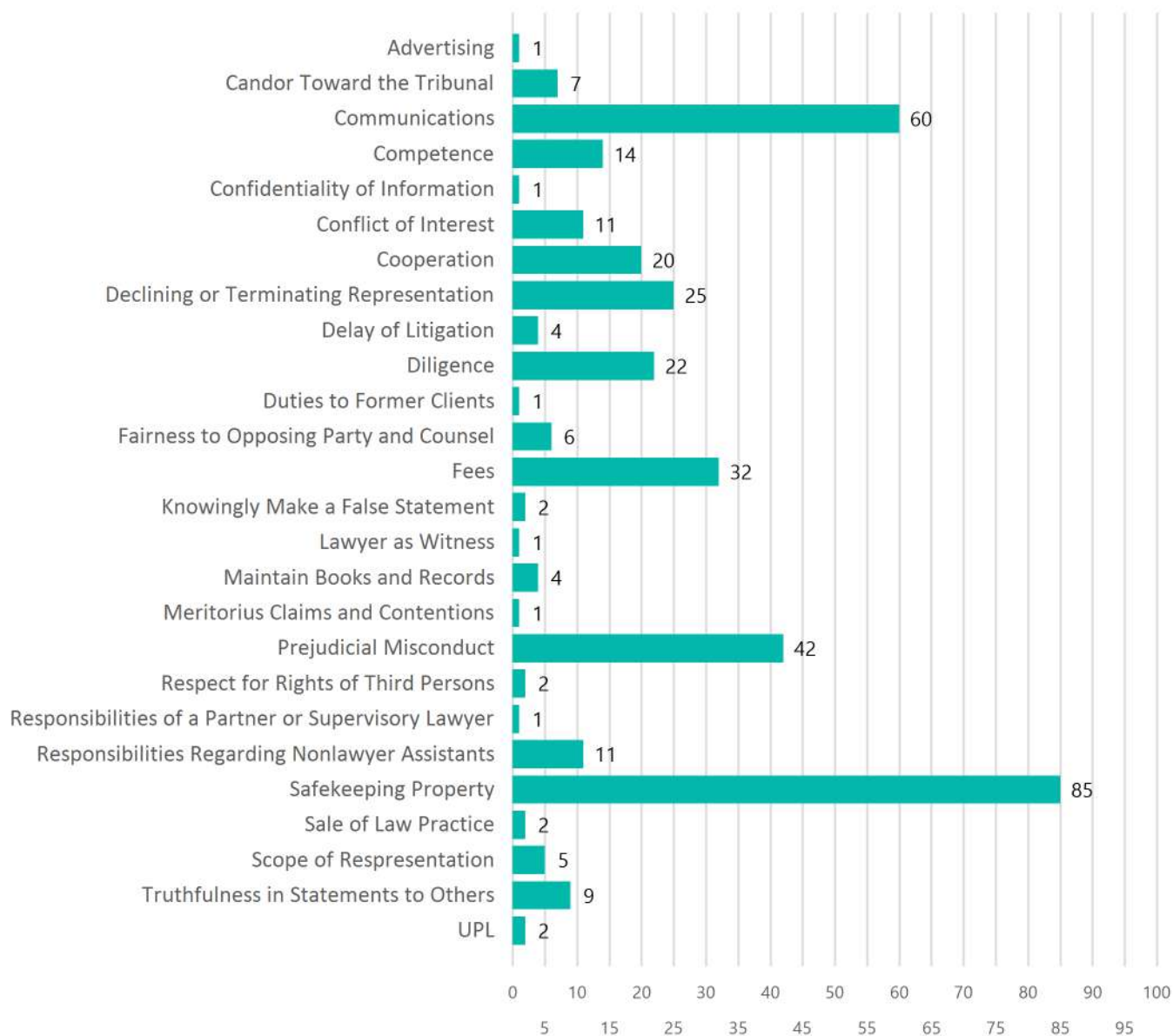
# ANNUAL REPORT

## PROBATION STATISTICS

|                                                 | Files | Total     |
|-------------------------------------------------|-------|-----------|
| <b>TOTAL PROBATION FILES OPEN DURING 2023</b>   |       |           |
| PUBLIC SUPERVISED PROBATION FILES - 46%         | 32    |           |
| PUBLIC UNSUPERVISED PROBATION FILES - 20%       | 14    |           |
| <b>PUBLIC PROBATION FILES TOTAL - 66%</b>       |       | <b>46</b> |
| PRIVATE SUPERVISED PROBATION FILES - 11%        | 8     |           |
| PRIVATE UNSUPERVISED PROBATION FILES - 23%      | 16    |           |
| <b>PRIVATE PROBATION FILES TOTAL - 34%</b>      |       | <b>24</b> |
| <b>TOTAL PROBATION FILES OPEN DURING 2023</b>   |       | <b>70</b> |
| <b>TOTAL PROBATION FILES</b>                    |       |           |
| Total Open Probation Files as of 1/1/2023       |       | 59        |
| Total Probation Files Opened in 2023            |       | 11        |
| Total Probation Files Closed in 2023            |       | -15       |
| Total Open Probation Files as of 12/31/2023     |       | 55        |
| <b>TOTAL PROBATION FILES OPENED IN 2023</b>     |       |           |
| PUBLIC SUPERVISED PROBATION FILES               | 3     |           |
| PUBLIC UNSUPERVISED PROBATION FILES             | 3     |           |
| <b>PUBLIC PROBATION FILES TOTAL</b>             |       | <b>6</b>  |
| PRIVATE SUPERVISED PROBATION FILES              | 2     |           |
| PRIVATE UNSUPERVISED PROBATION FILES            | 3     |           |
| <b>PRIVATE PROBATION FILES TOTAL</b>            |       | <b>5</b>  |
| <b>TOTAL PROBATION FILES OPENED DURING 2023</b> |       | <b>11</b> |

## ANNUAL REPORT

## PROBATION AREAS OF MISCONDUCT - 2023



\* Between 1/1/2023 AND 12/31/2023, there were 70 probations involving 371 rule violations.

This chart reflects the number of rule violations involved in those 70 probations, organized by area of misconduct.

**Office of Lawyers Professional Responsibility**  
**Speaking Engagements and Seminars July 2023 – June 2024**

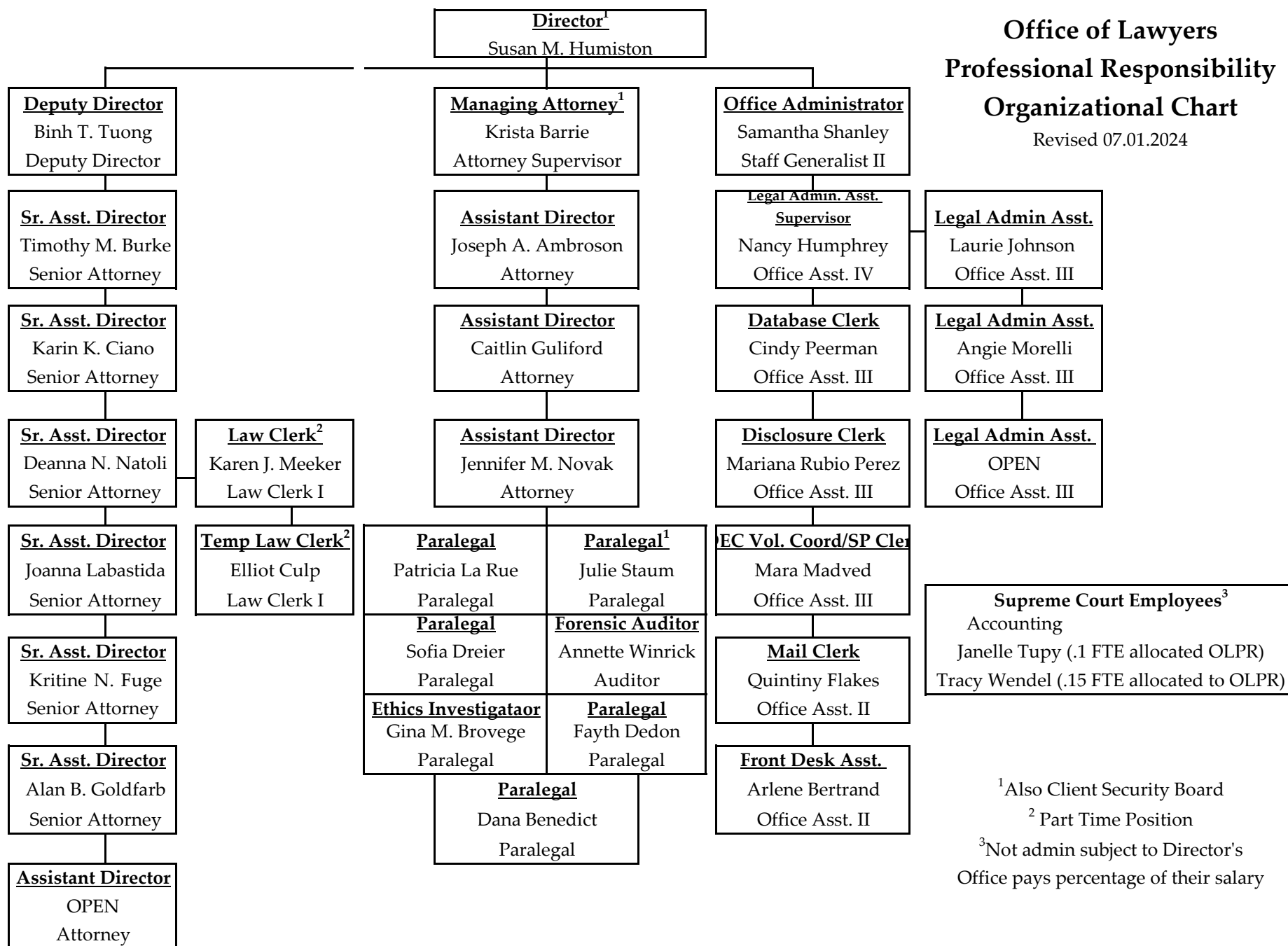
| <b>Date</b> | <b>Topic</b>                                                                | <b>Location</b> | <b>Organization</b>                                                                       | <b>Initials</b>   |
|-------------|-----------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------|-------------------|
| 7/6/23      | 2022 Year in Review in Ethics                                               | Coon Rapids     | Minnesota State Bar Association                                                           | KKC<br>MLR        |
| 7/7/23      | A Public Defender's Guide to Everyday Ethical Issues and Some Odd Scenarios | Alexandria      | Seventh and Eighth District Meeting – invitation by Chief Public Defender Douglas Carlson | JAA               |
| 7/12/23     | Ethics for Trusts and Estates Paralegals                                    | Zoom            | Minnesota Paralegal Association                                                           | KKC<br>PKL        |
| 7/18/23     | Ethics: The Risks to Estate Planners of Serving in Multiple Roles           | Live Webcast    | Minnesota CLE                                                                             | KKC               |
| 7/20/23     | The Life of an Ethics Complaint: From the DEC to the OLPR                   | Zoom            | Ramsey County Bar Association                                                             | JHB               |
| 7/25/23     | The Client File and Responding to Subpoenas                                 | Zoom            | Minnesota State Bar Association                                                           | JL                |
| 8/2/23      | Lies, Alternative Facts and Ethics                                          | Minneapolis     | National Bar Association                                                                  | SMH               |
| 8/3/23      | Handling Difficult Interactions with Complainants and Respondents           | Minneapolis     | NOBC                                                                                      | SMH               |
| 8/3/23      | Reciprocal Discipline                                                       | Minneapolis     | NOBC                                                                                      | BTT               |
| 8/4/23      | Does It Pass the Smell Test? When is a Conflict a Discipline Issue?         | Minneapolis     | NOBC                                                                                      | KKC               |
| 8/17/23     | Practicum on Lawyer Discipline                                              | St. Paul        | Mitchell-Hamline - School of Law                                                          | CG<br>JAA         |
| 9/7/23      | What you need to know about hiring a lawyer.                                | Minneapolis     | Minneapolis/St. Paul Immigrant and Refugee Programs                                       | SMH               |
| 9/8/23      | Ethical Considerations for Attorneys Representing Townships                 | Minneapolis     | Minnesota Association of Townships                                                        | SMH<br>CG         |
| 9/12/23     | Minnesota's Discipline System                                               | Minneapolis     | University of Minnesota Law School                                                        | SMH               |
| 9/21/23     | Financial Exploitation                                                      | Minneapolis     | Minnesota State Bar Association                                                           | KKC               |
| 9/22/23     | Professional Responsibility Seminar                                         | St. Paul        | Office of Lawyers Professional Responsibility                                             | SMH<br>TMB<br>DNN |
| 9/27/23     | Law Clerk Ethics                                                            | Windom          | Fifth Judicial District                                                                   | JL                |
| 10/5/23     | Elder Law Institute: What Fiduciaries Need to Know and How to Advise Them   | Minneapolis     | Minnesota CLE                                                                             | BTT               |
| 10/12/23    | Ethics for Law Clerks                                                       | St. Paul        | Minnesota State Law Library                                                               | JL<br>JHB         |
| 11/8/23     | Discipline so far in 2023                                                   | Zoom            | Ramsey County Law Library                                                                 | DNN               |
| 11/8/23     | Ethics for Trusts and Estates Paralegals – Part II                          | Zoom            | Minnesota Paralegal Association                                                           | KKC               |
| 11/15/23    | Start Your Own Practice: How to Manage Business and Trust Accounts          | Live Webcast    | Minnesota CLE                                                                             | KDB               |

**Office of Lawyers Professional Responsibility**  
**Speaking Engagements and Seminars July 2023 – June 2024**

|          |                                                                                                 |             |                                        |            |
|----------|-------------------------------------------------------------------------------------------------|-------------|----------------------------------------|------------|
| 11/29/23 | Good Writing as Professional Responsibility Why Writing Well in the Age of AI is Important      | Minneapolis | Minnesota CLE                          | KKC        |
| 12/1/23  | Updates from the Director's Office                                                              | Webinar     | MSBA One Profession                    | SMH        |
| 12/11/23 | Lawyering in the Age of Social Media                                                            | Virtual     | Minnesota State Bar Association        | BTT<br>KNF |
| 1/2/24   | Lawyer Regulation in Minnesota                                                                  | St. Paul    | St. Paul Rotary Club                   | KKC        |
| 1/18/24  | Elder Law on ABA Formal Opinion 500                                                             | Virtual     | Minnesota CLE                          | JL         |
| 1/25/24  | Ethics Trouble in Probateville: What We Can Learn from Recent Cases                             | Virtual     | MSBA Probate & Trust Section           | KKC        |
| 2/5/24   | Delivering Excellent Service; About the OLPR                                                    | Minneapolis | University of St. Thomas School of Law | JAA        |
| 2/9/24   | How Attorney Regulators Train and Retain Great Investigators                                    | California  | NOBC                                   | KDB        |
| 2/9/24   | Update on Potential ABA Changes to Rule 5.5                                                     | California  | NOBC                                   | SMH        |
| 2/9/24   | Transparency in the Discipline Process                                                          | California  | NOBC                                   | SMH        |
| 2/10/24  | Ethics Issues in Criminal Defense                                                               | Edina       | Minnesota Society for Criminal Justice | DNN        |
| 2/20/24  | Ethics: How People Get In Trouble In Litigation                                                 | Minneapolis | Minnesota CLE                          | KKC        |
| 2/27/24  | Ethics Practicum                                                                                | St. Paul    | Mitchell-Hamline School of Law         | CG<br>JAA  |
| 3/6/24   | Ethics for Law Clerks                                                                           | Virtual     | Minnesota Judicial Branch              | CG         |
| 3/22/24  | Ethics Year in Review                                                                           | Virtual     | Minnesota State Bar Association        | JL<br>MLK  |
| 3/26/24  | Ethics in ADR                                                                                   | Minneapolis | University of Minnesota Law School     | TMB        |
| 3/27/24  | Ethics: An Update from the Director of the Office of Lawyers Professional Responsibility        | Minneapolis | Minnesota State Bar Association        | SMH        |
| 04/11/24 | Ethical Screw Ups that Cause Lawyers to Lose Sleep                                              | Minneapolis | MSBA Civil Trial Specialist            | SMH        |
| 4/19/24  | A Year In Review 2023                                                                           | Virtual     | Hennepin County Law Library            | BTT        |
| 4/26/24  | Ethics Year in Review                                                                           | Rochester   | Minnesota State Bar Association        | JL         |
| 5/23/24  | Ethical Decision-Making Under Pressure – Strategies for Addressing Stress and Avoiding Mistakes | Minneapolis | Minnesota CLE                          | CG         |
| 06/25/24 | 10 Things You Should Do Before Going on Vacation: Ethics Edition                                | Minneapolis | Minnesota CLE                          | SMH        |
|          |                                                                                                 |             |                                        |            |

# Office of Lawyers Professional Responsibility Organizational Chart

Revised 07.01.2024



<sup>1</sup> Also Client Security Board

<sup>2</sup> Part Time Position

<sup>3</sup> Not admin subject to Director's  
Office pays percentage of their salary



## MINNESOTA Lawyers Professional Responsibility Board Office of Lawyers Professional Responsibility

445 Minnesota Street  
Suite 2400  
St. Paul, Minnesota 55101

651-296-3952  
1-800-657-3601



### Announcements

The Office of Lawyers Professional Responsibility seeks an attorney to join their team

[May 17th, 2024 LPRB Meeting Materials](#)

[Court Appoints Jill Scott and Thomas Gorowsky as New LPRB Members](#)

[Court Appoints John Zwier as New LPRB Member](#)

[2024 LPRB Meeting Dates](#)

[Supreme Court Order Appointing Advisory Committee on the Rules on Lawyers Professional Responsibility](#)

[Supreme Court Order Regarding the Report and Recommendations of the ABA Standing Committee on Professional Regulation on the MN Lawyer Discipline System](#)

[2023 LPRB OLPR Annual Report](#)

[Lawyers Professional Responsibility Board Commitment Statement for Non-Discrimination and Inclusion](#)

### Quick Links

[FILE A COMPLAINT](#)

[LAWYER SEARCH](#)

### Legal References

[MN RULES OF PROFESSIONAL CONDUCT](#)

[FOR LAWYERS ONLY: ADVISORY OPINIONS](#)

### What's New

["Lessons from private discipline in 2023," MN Bench and Bar, April 2024](#)

["A year of public discipline," MN Bench and Bar, March 2024](#)

["Consider a firm operations self-assessment," MN Bench and Bar, January/February 2024](#)

["Conducting a trust account self-assessment," MN Bench and Bar, December 2023](#)

["Drawing the line on ethical witness preparation," MN Bench and Bar, November 2023](#)

["Court issues order on ABA discipline system recommendations," MN Bench and Bar, October 2023](#)

["FILE RETENTION AND RETURN," MN Bench and Bar, September 2023](#)

[Professional Responsibility Seminar](#)

[Trust Accounts](#)

[Professional Firms](#)

[Resignations](#)

[LPRB Opinions](#)

[Disciplinary History Request](#)

[Proposed and Pending Rules & Opinions](#)

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### Contact

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TTY users call MN relay service toll free:  
1-800-627-3529

### Resources

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