

STATE OF MINNESOTA

IN SUPREME COURT

C9-81-1206

ORDER FOR HEARING TO CONSIDER PROPOSED  
AMENDMENTS TO THE RULES OF THE SUPREME COURT  
FOR REGISTRATION OF ATTORNEYS TO INCREASE THE  
ATTORNEY REGISTRATION FEE

IT IS HEREBY ORDERED that a hearing be had before this Court in Courtroom 300 of the Minnesota Supreme Court, Minnesota Judicial Center, on March 20, 1992 at 9:00 a.m., to consider the petitions of the Minnesota State Bar Association (MSBA) and the Lawyers Professional Responsibility Board (LPRB) to amend the Rules of the Supreme Court for Registration of Attorneys.

The MSBA petitions the Court for an increase of up to Twenty Dollars (\$20.00) in the Attorney Registration Fee for the purpose of establishing a lawyers assistance program. The LPRB petitions the Court for a Twenty Dollar (\$20.00) increase in the Attorney Registration Fee, excepting attorneys residing and practicing out of the state, attorneys who have not been admitted to practice more than three years or attorneys on duty in the armed forces of the United States. For these exceptions, a Three Dollar (\$3.00) increase is requested. Copies of the petitions are annexed to this order.

IT IS FURTHER ORDERED that:

1. All persons, including members of the Bench and Bar, desiring to present written statements concerning the subject matter of this hearing, but who do not wish to make an oral presentation at the hearing, shall file 12 copies of such statement with Frederick Grittner, Clerk of the Appellate Courts, 245 Judicial Center, 25 Constitution Avenue, St. Paul, Minnesota 55155, on or before March 16, 1992 and
2. All persons desiring to make an oral presentation at the hearing shall file 12 copies of the material to be so presented with the aforesaid Clerk together with 12 copies of a request to make an oral presentation. Such statements and requests shall be filed on or before March 16, 1992.

Dated: January 21, 1992

OFFICE OF  
APPELLATE COURTS

JAN 21 1992

**FILED**

BY THE COURT:



A.M. Keith  
Chief Justice

LAW OFFICES

Collins, Buckley, Sauntry & Haugh

West 1100 First National Bank Building  
332 Minnesota Street  
Saint Paul, Minnesota 55101-1379

Telephone: (612) 227-0611

Fax: (612) 227-0758

3/16

Eugene D. Buckley  
\*\* Theodore J. Collins  
William E. Haugh, Jr.  
\* Michael J. Sauntry  
James O. Redman  
Mark W. Gehan, Jr.  
Patrick T. Tierney  
\* Thomas J. Germscheid  
John R. Schulz  
Thomas R. O'Connell  
Dan O'Connell  
Christine L. Stroemer  
Sarah J. Batzli  
Bonnie J. Bennett  
Michael T. Tierney  
Timothy C. Godfrey

March 16, 1992

OFFICE OF  
APPELLATE COURTS

MAR 16 1992

**FILED**

\* Also Admitted  
in Wisconsin  
\* Also Admitted  
in Montana

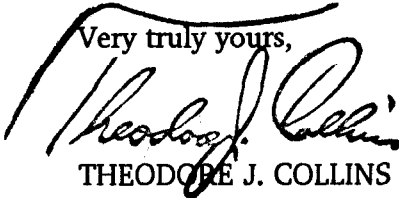
Mr. Fredrick Grittner  
Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

Re: In Re Petition to Establish a Board of Lawyers Assistance, et al  
Court File No: C9-81-1206

Dear Mr. Grittner:

I enclose for filing an original and twelve copies of a Petition to Establish a Board of Lawyers Assistance, and to amend the Rules of the Supreme Court for Registration of Attorneys, etc.

Very truly yours,



THEODORE J. COLLINS

TJC/pao

Enclosure

cc: Mr. Thomas J. Gmeinder

STATE OF MINNESOTA  
IN THE SUPREME COURT

OFFICE OF  
APPELLATE COURTS

MAR 16 1992

FILED

-----  
In Re Petition to establish  
a Board of Lawyers Assistance,  
and to amend the Rules of the  
Supreme Court for Registration  
of Attorneys to increase the  
Attorney Registration Fee by up to  
\$20 to fund a lawyers assistance  
program.

STATEMENT OF THEODORE J. COLLINS  
IN SUPPORT OF THE PETITION OF THE  
MINNESOTA STATE BAR ASSOCIATION  
DATED OCTOBER 9, 1991

-----  
Theodore J. Collins, a member of the Minnesota State Bar, states:

1. That the Petition by the Minnesota State Bar Association dated October 9, 1991 is adopted in its entirety (paragraphs 1 through 10) and is incorporated by reference into the following statement.

2. That based upon experience gained in the representations of a number of attorneys in disciplinary matters from 1960 to the present, I believe that the proposed lawyer assistance program would benefit all lawyers in private practice, as well as those employed by corporations. I further believe future disciplinary problems could be ameliorated because the proposed program provides alternatives wherein an attorney could seek confidential assistance for a variety of problems, including substance abuse and emotional difficulties.

3. That a program of this nature would ensure that all attorneys would have an opportunity at an early stage to improve, or regain control, of their personal and professional lives prior to causing any damage to their clients or the public at large.

4. That the assistance program can also provide this Court with an effective mechanism to monitor and/or divert those attorneys with personal difficulty who have been

previously disciplined. I believe the discipline process often adds a significant amount of stress and many lawyers in discipline matters are in need of assistance to adequately reintroduce themselves to the practice of law.

5. I believe that many attorneys during their professional lives experience personal problems and are reluctant to seek professional help, and the endorsement of such a program of effective help by this court may facilitate earlier treatment of such lawyers.

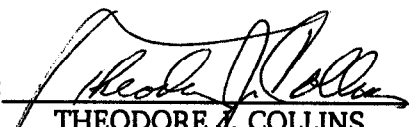
6. That as a self-regulated profession, we attorneys have the obligation to work to provide in Minnesota healthy and competent attorneys, free from any substance addiction, able to professionally protect client's interests. I believe this self-financial program would demonstrate our professional concern for our colleagues' health and well-being.

7. I respectfully request the opportunity to present my support for the petition of the Minnesota State Bar Association in person, and to respond to any questions.

WHEREFORE, Theodore J. Collins respectfully requests that this Court adopt the Petition supplied by the Minnesota State Bar Association thereby developing a lawyers assistance program to provide services to attorneys needing assistance.

COLLINS, BUCKLEY, SAUNTRY & HAUGH

Dated: 3-16-92

BY:   
THEODORE J. COLLINS  
W-1100 First National Bank Building  
Saint Paul, Minnesota 55101  
Telephone: 612/227-0611  
Attorney Registration No. 18065

3/16

GENERAL MILLS, INC. • EXECUTIVE OFFICES • Number One General Mills Boulevard • Minneapolis, Minnesota

March 16, 1992

SENT VIA MESSENGER &  
FAX: 612/297-4149

OFFICE OF  
APPELLATE COURTS

MAR 16 1992

**FILED**

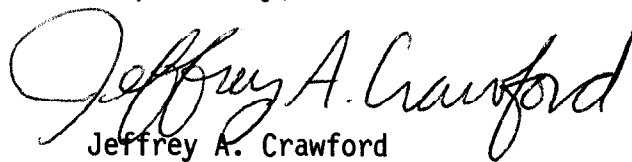
Mr. Frederick Grittner  
Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

Re: March 20, 1992 Hearings

Dear Mr. Grittner:

The Minnesota Minority Lawyers Association requests the opportunity to make an oral presentation on the MSBA Petition to Amend Rule 8.4 of the Minnesota Rules of Professional Conduct. Jeff Crawford will speak on behalf of the MMLA. The MMLA requests five minutes for this presentation. As instructed, 12 copies of this request are enclosed.

Respectfully,



Jeffrey A. Crawford  
MMLA Representative

JAC/pc  
L.GD1



**Esquire  
Search Ltd.**

*A Professional Search Firm  
for Attorneys by Attorneys.*

Patricia A. Comeford, J.D.  
President

March 16, 1992

OFFICE OF  
APPELLATE COURTS

MAR 16 1992

**FILED**

**Mr. Frederick Grittner  
Clerk of Appellate Courts  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, Minnesota 55155**

**RE: Employee Assistance Hearing**

**Dear Mr. Grittner:**

This is to advise you that I, Patricia A. Comeford, a licensed member of the bar, hereby request to be heard on the matter of the proposed employee assistance program.

Sincerely,

Patricia A. Comeford, J.D.

PAC/vjk

3/16

Jody A. Cohen  
2044 Itasca Avenue  
St. Paul, Minnesota 55116  
612-699-7969

OFFICE OF  
APPELLATE COURTS

MAR 16 1992

**FILED**

March 16, 1992

Mr. Frederick Grittner, Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, Minnesota 55155

In Re Order for Hearing to Consider Proposed Amendments to the Rules of the Supreme Court for Registration of Attorneys to Increase the Attorney Registration Fee.

Dear Mr. Grittner,

This letter is to express my concerns regarding Proposed Order C9-81-1206 to increase the attorney registration fee. I am opposed to the proposals of the Minnesota State Bar Association (MSBA) and the Lawyers Professional Responsibility Board (LPRB) both as to purpose and as to cost.

As I understand it, the increase would be used to fund a lawyers assistance program which will assist attorneys with substance abuse problems and other personal problems. There are currently numerous agencies and organizations, including many health insurance programs, which offer support, counselling, treatment and referral services. It does not seem likely that this program will be the impetus impaired attorneys need to get help; mandating the fee and naming the program "lawyers assistance" does not seem to be enough to get troubled attorneys to admit to and get help for problems.

I am also opposed to the methods chosen for the fee assessment. The MSBA's proposal does not take into consideration the ability of attorneys to pay the fee and the LPRB's proposal only partially takes this into consideration. Like the current fee structure for attorney registrations, the MSBA's proposal, and to some degree, the LPRB's proposal are based on the assumption that there is a direct correlation between the number of years in practice and income. Unfortunately, this is not necessarily so. The Court has ruled that attorneys who have not been admitted to practice for

more than three years will pay \$39 for their licenses while those admitted to practice for more than three years will pay \$122. This increase has placed a financial burden on attorneys who have been severely affected by the economy. I have been laid-off three times, due to the economy, since I was admitted to practice in 1987. I am currently unemployed and because of my situation, I inquired as to the possibility of paying my fees in installments or receiving a hardship allowance, temporary emergency reduction, postponement, waiver, etc. I was informed that there were no financial hardship exceptions or installment payment options, even though there appears to be language in Rule 2 of the Rules of the Supreme Court for Registration of Attorneys (the Rules) that permits payment in portions, and that if I did not pay in full by the due date, my license would be suspended. Rule 5 of the Rules currently authorizes the Court to waive delinquent fees and late penalties, due to hardship cases, upon reinstatement after suspension. The Court should now expand Rule 5 and waive full or partial payment in hardship cases so a suspension need not even occur for failure (or inability) to pay fees.

In order to make the fee schedule more equitable, I propose the following alternatives, either alone or in combination:

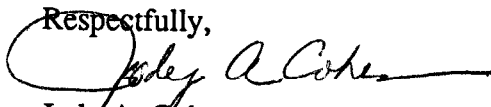
1. Assess registration fees based directly on attorney income, not on the number of years in practice. Those who are able to pay should carry a larger portion of the financial burden. Example: The Minnesota State Bar Association has a special dues category where income is taken into consideration for membership fees.
2. Create more break-points in the fee schedule based on the number of years in practice. Example: \$50 for those admitted to practice up to and including three years, \$75 for those admitted to practice at least four years but less than seven years, \$100 for those admitted to practice at least seven years but less than ten years, \$125 for those admitted to practice more than ten years.
3. Assess registration fees based on the number of attorneys in the organization. The larger the organization, the higher the fees. The rationale is that, as a general rule, the larger the organization, the more likely it is that the organization pays the fees and not the individual attorneys.
4. Expand the categories of reduced-fee attorneys. Example: In addition to non-resident attorneys and those on duty in the armed forces, include public interest, legal aid and unemployed attorneys.
5. Permit attorneys to pay registration fees in installments and/or amend the Rules to permit attorneys, upon showing good cause, to pay a lower rate during the period of financial hardship. Upon resolution of the hardship, attorneys would then pay the balance due. Example: Several CLE providers make their courses available at reduced rates for those who are experiencing a financial hardship.
6. Increase the application fee to sit for the bar exam.



The idea of lawyers helping lawyers is a good one. However, if we must subsidize those who are experiencing personal problems, let us also help those who are experiencing financial problems.

I appreciate the Court's review of my comments and concerns. Should the Court decide to study the fee structure issue further, I would be pleased to volunteer to be on the appropriate committee.

Respectfully,

A handwritten signature in cursive script that reads "Jody A. Cohen". The signature is written in black ink and is positioned above the typed name.

Jody A. Cohen  
Attorney Registration No. 187240

3/13

MURNANE, CONLIN, WHITE, BRANDT & HOFFMAN

THOMAS M. CONLIN \*  
ROBERT W. MURNANE  
ROBERT T. WHITE  
JOHN E. BRANDT \*  
JOHN R. HOFFMAN \*  
JOHN D. HIRTE  
STEVEN J. KIRSCH  
LAWRENCE R. KING \*  
ANDREW T. SHERN  
MICHAEL S. RYAN \*  
SUSAN D. HALL \*  
JAMES F. BALDWIN

ATTORNEYS AT LAW  
1800 MERITOR TOWER  
444 CEDAR STREET  
SAINT PAUL, MINNESOTA 55101  
TELEPHONE (612) 227-9411  
TELECOPIER (612) 223-5199

C. TODD KOEBELE  
BARBARA R. HATCH  
MICHAEL P. TIERNEY  
JOHN R. SHOEMAKER  
DANIEL A. HAWS \*  
WILLIAM L. MORAN  
CYNTHIA CORNELIUS BECKER  
THERESE M. PAUTZ  
MICHELE D. SEEHAFFER  
THOMAS A. GILLIGAN, JR.  
PAUL D. PETERSON  
STEPHEN E. OTTO  
PATRICK M. RYAN  
DAVID C. ANASTASI  
DANIEL J. TRUDEAU  
LAURIE W. MEYER  
JOEL D. HEDBERG

March 13, 1992  
via messenger  
OFFICE OF  
APPELLATE COURTS

MAR 13 1992

FILED

Minnesota Supreme Court  
245 Judicial Center  
St. Paul, Minnesota 55155  
Attn: Mr. Fred Grietner

\* ALSO ADMITTED IN WISCONSIN  
E. WILLARD MURNANE  
(1907-1976)  
CHARLES R. MURNANE  
(1913-1982)

Re: Petition of the Minnesota State Bar Association  
Court File No. C4-91-1728

Dear Mr. Grietner:

Regarding the above matter, we are enclosing 12 copies of the Response of Lawyers Concerned For Lawyers to the Petition of the Minnesota State Bar Association.

It is our understanding that the court will hear oral presentations on this matter on April 20th. Lawyers Concerned For Lawyers will not be making an oral presentation at that time. However, it is anticipated that a member of Lawyers Concerned For Lawyers will be present to answer any questions which the court may have of our organization.

Yours very truly,

*John E. Brandt*  
John E. Brandt

JEB:pal  
Enclosures

cc: Robert J. Monson  
Robert A. Guzy  
Tim Groshens  
Thom Gmeinder  
Patricia Burke  
Cindy Swan-Henderlite  
(all w/enclosure)

MAR 13 1992

**STATE OF MINNESOTA  
IN SUPREME COURT  
C4-91-1728**

**FILED**

In Re Petition to Establish a Board of Lawyers Assistance and to Amend the Rules of the Supreme Court for Registration of Attorneys to Increase the Attorney Registration Fee by up to \$20.00 to Fund a Lawyers Assistance Program

**RESPONSE OF LAWYERS  
CONCERNED FOR LAWYERS TO  
TO THE PETITION OF THE  
MINNESOTA STATE BAR  
ASSOCIATION**

In response to the above petition of the Minnesota State Bar Association, Lawyers Concerned For Lawyers ("LCL") submits the following:

LCL is a Minnesota non-profit corporation formed in 1976, to aid and assist chemically dependent lawyers and judges in the state of Minnesota to understand and arrest the disease which afflicts them. LCL is qualified under Section 501.(c)(3) of the Internal Revenue Code as a charitable organization.

A basic assumption of LCL is that persons who have themselves suffered as alcoholics or are otherwise chemically dependent, but have arrested the disease in their own cases are particularly well equipped to know and understand the problems of chemically dependent persons. Accordingly, LCL accomplishes its purpose by organizing and utilizing the resources and talents of lawyers and judges in the state of Minnesota who are recovering chemically dependent persons.

Although LCL does not become involved in matters outside of its stated purpose, it has long recognized that there are many attorneys who need help in situations not related to alcoholism or chemical dependency for which LCL has no expertise or resources to

be helpful. In 1987, LCL advised Helen I. Kelly then President of the Minnesota State Bar Association, that LCL was receiving requests for assistance in areas such as mental or emotional problems, financial difficulties and professional crisis which LCL was not equipped to handle. LCL did perceive a need to provide assistance to the members of the Minnesota State Bar Association in these and other areas.

In the event this Court grants the petition of the Minnesota State Bar Association, LCL will be available to the lawyers assistance program and the Bench and Bar generally to offer its experience, strength, hope and assistance to those lawyers and judges and their families who are plagued with the ravages of alcoholism and chemical dependency. In offering this support, LCL does not envision a change in its mission, funding, manner of operating or independence from any disciplinary organizations within the Bench and Bar. Maintenance of LCL's commitment to confidentiality and autonomy from any other organization is not inconsistent with the establishment of a lawyers assistance program.

LCL has no intention to depart from its position of providing intervention assistance at no charge. LCL recognizes that this may raise questions of the interface between it and the lawyers assistance program which may also refer users to paid or for profit intervention services. Nonetheless, LCL will continue to assist and facilitate interventions for no fee, whether the request for such assistance is directed to LCL from the lawyers assistance

program, a lawyer's family, friends, partners or business associates.

LCL will also continue to finance its operations without dues or fees. It is the LCL members collective experience that voluntary individual and firm contributions and grants have been sufficient to meet its modest budgetary needs and that this method of funding ensures the confidence of those seeking assistance that LCL can, in fact, maintain confidentiality because it is not financially dependent on entities regulating the Bench and Bar.

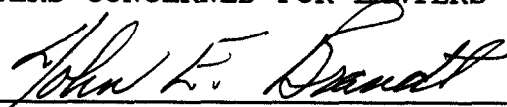
Over the past 16 years, LCL has educated and helped hundreds of lawyers, judges, their family members and friends in dealing with the debilitating disease of alcoholism and chemical dependency. To the extent LCL's unique experience and commitment can be better and more widely utilized, LCL is available to work with the lawyers assistance program.

Dated March 11, 1992.

Respectfully Submitted,

LAWYERS CONCERNED FOR LAWYERS

By

  
\_\_\_\_\_  
John E. Brandt, Chair

3/12

SUSAN M. ELFSTROM

Attorney at Law

Capital Centre • Suite 1350

386 North Wabasha

St. Paul, Minnesota 55102

(612) 292-0973

FAX (612) 297-6599

NANCY MOLINA  
PARALEGAL

March 11, 1992

OFFICE OF  
APPELLATE COURTS

MAR 12 1992

**FILED**

The Honorable Members of the  
Minnesota Supreme Court  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

RE: Lawyers Assistance Program

I am writing to support the adoption of a Lawyers Assistance Program for all lawyers in the State of Minnesota. Further, I believe the Twenty (\$20.00) Dollars increase in attorney registration fee is a reasonable request for the purpose of establishing a lawyers assistance program.

I have been a practicing attorney for over ten years. During that time I have seen several attorneys struggle with issues involving family stress, financial difficulties, and mental and emotional health problems. It is difficult for these lawyers to obtain confidential and qualified assistance. Unfortunately, I have known personally two lawyers who committed suicide over the last few years. It is with them in mind that I strongly support this program.

Sincerely,

  
Susan M. Elfstrom

SME:lap

3/12

LAW OFFICES  
**MOSS & BARNETT**  
A PROFESSIONAL ASSOCIATION  
4800 NORWEST CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS, MINNESOTA 55402-4119

PAUL VAN VALKENBURG  
(612) 347-0250

TELEPHONE (612) 347-0300 TELECOPIER (612) 339-6686

OFFICE OF  
APPELLATE COURTS

March 11, 1992

MAR 12 1992

**FILED**

The Honorable Chief Justice A.M. Keith  
Minnesota Supreme Court  
Minnesota Judicial Center  
25 Constitution Avenue  
St. Paul, Minnesota 55155

Re: Hearing to be held before The Supreme Court on March 20, 1992  
Lawyer's Assistance Program

Dear Chief Justice Keith:

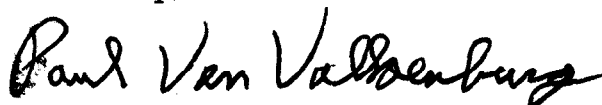
I am a lawyer licensed to practice in the State of Minnesota, and I am a recovering alcoholic. I am writing in support of the proposed Lawyer's Assistance Program.

As a recovering alcoholic, I have available to me the resources and fellowship of Lawyers Concerned for Lawyers ("LCL"). Also through LCL, I have a continuing opportunity to help suffering alcoholic lawyers into recovery (by, e.g., helping to facilitate interventions, when appropriate) and to help recovering alcoholic lawyers with their recovery (by, e.g., serving as their supervising attorney).

However, there are many attorneys practicing law in Minnesota suffering from diseases and disabilities other than alcoholism/chemical dependency. Although the need appears to be great, for those attorneys there is no support group comparable to LCL.

Therefore, I urge the Supreme Court to adopt the Lawyer's Assistance Program on a three-year trial basis, to find out what that need is, and to see how best to serve it.

Yours truly,



Paul Van Valkenburg

PVV/peh  
912ZLOR

3/12

MAGSAM & HARWIG

ATTORNEYS AT LAW

33 4TH STREET N.W.

OSSEO, MN. 55369

(612) 424-3733

LOREN A. MAGSAM  
KATHRYN J. HARWIG

PETER J. MEISCH  
TAD JUDE, OF COUNSEL

March 11, 1992

OFFICE OF  
APPELLATE COURTS

MAR 12 1992

**FILED**

Frederick Grittner  
Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

Re: Increase of Attorney's Registration Fee  
in order to establish a Lawyer's Assistance Program.

Dear Mr. Grittner:

I am giving this statement in support of the proposed amendment to the Rules of the Supreme Court for Registration of Attorneys to increase the attorney's registration fee in order to establish a Lawyer's Assistance Program. I have been a practicing attorney since May of 1982 and practice in a small partnership consisting of three attorneys.

During my last six weeks of law school in 1981, I was hospitalized and had two major chest surgeries. I subsequently became addicted to prescription narcotics and alcohol. Although I was able to pass the bar exam and establish a law practice, I was depressed, in pain, and had difficulty functioning.

Because I was also employed by Hennepin County on a part-time basis, I had access to an Employee Assistance Program. The counselor at the program was invaluable in helping me to identify my addiction and receive the treatment which I needed. I now have nine years of sobriety and believe I am a competent attorney who contributes to the welfare of the community. I also believe that I might not be in this position had the Employee Assistance program not been available to me.

Because of my past illness, neither I nor my law firm are able to obtain medical insurance. I am covered through the Minnesota Comprehensive Health Insurance Program and have a \$1,000.00 deductible with 80-20% coverage after that. Had I been in this position in 1983, I might not have received the treatment I needed.



Grittner letter,  
page two

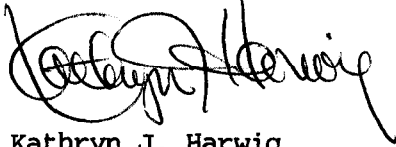
I am sure that there are thousands of attorneys in this state without adequate insurance or access to an Employee Assistance Program. If they suffer from depression, family problems or chemical dependency, they have no place to seek guidance or help.

Since 1983 I have been an active member of the organization Lawyers Concerned for Lawyers. I strongly support this organization and believe its work is invaluable. However, I had never even heard of that organization at the time I entered treatment. I also doubt whether, as a newly admitted member to the bar, I would have felt comfortable turning to LCL for assistance. I believe it is still very difficult for a woman lawyer to feel totally comfortable in what is still a primarily male organization.

I am grateful for the treatment and counseling I received and I believe this opportunity should be available to all the members of the bar. I therefore urge you to pass the proposed Amendment.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathryn J. Harwig". The signature is written in dark ink and is somewhat stylized, with the first letters being larger and more prominent.

Kathryn J. Harwig

KJH:mk

# MSBA



3/12

OFFICE OF  
APPELLATE COURTS

MAR 12 1992

**FILED**

March 8, 1992

Minnesota  
State Bar  
Association

514 Nicollet Mall  
Suite 300  
Minneapolis, MN 55402

Telephone  
612-333-1183  
In-state  
1-800-882-MSBA  
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612-333-4927

President  
Robert J. Monson  
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612-227-6301

President-Elect  
Robert A. Guzy  
Coon Rapids

Secretary  
Roger V. Stageberg  
Minneapolis

Treasurer  
Michael J. Galvin Jr.  
St. Paul

Vice President-Outstate  
John N. Nys  
Duluth

Past President  
Tom Tinkham  
Minneapolis

Executive Director  
Tim Groshens

Associate  
Executive Director  
Mary Jo Ruff

Mr. Frederick Grittner  
Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

RE: March 20 Hearings

Dear Mr. Grittner:

The Minnesota State Bar Association requests the opportunity to make oral presentations on the following petitions:

1. **MSBA PETITION TO ESTABLISH A LAWYER ASSISTANCE PROGRAM**

The Minnesota State Bar Association requests the opportunity to make an oral presentation through Robert J. Monson, its President, and Thomas Gmeinder, the Chairperson of its Lawyer Assistance Committee. The MSBA requests fifteen minutes for this presentation.

2. **LPRB PETITION FOR AN INCREASE IN THE ATTORNEY REGISTRATION FEE**

The MSBA requests the opportunity to make an oral presentation through its President, Robert J. Monson. The presentation will be in support of the LPRB's petition to increase the attorney registration fee. The MSBA requests two minutes for this presentation.

3. **MSBA PETITION TO AMEND RULES 1.6 AND 8.3 OF THE MINNESOTA RULES OF PROFESSIONAL CONDUCT**

The MSBA requests the opportunity to make an oral presentation through its President, Robert J. Monson and Walter Bachman, former Chairperson of its Rules of Professional Conduct Committee. The MSBA requests ten minutes for this presentation.

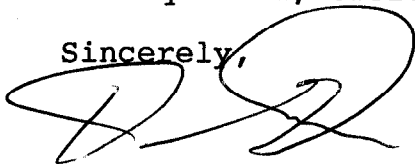
Mr. Frederick Grittner  
March 8, 1992  
Page Two

4. **MSBA PETITION TO AMEND RULE 8.4 OF THE MINNESOTA  
RULES OF PROFESSIONAL CONDUCT**

The MSBA requests the opportunity to make an oral presentation through its President, Robert J. Monson and Phyllis Karasov, former Chairperson of the Discrimination Subcommittee of its Rules of Professional Conduct Committee. The MSBA requests twenty minutes for this presentation.

As requested, twelve copies of this request are enclosed.

Sincerely,



Tim Groshens  
Executive Director

TG:ak

Enclosures

cc: Robert J. Monson  
Thomas Gmeinder  
Walter Bachman  
Phyllis Karasov

142

MAR 20 1992

**FILED**

**1990 ATTORNEY COMPENSATION SURVEY  
MINNESOTA STATE BAR ASSOCIATION**

<b>OVERALL SUMMARY</b> (ALL PARTICIPANTS)		<b>NO. OF ELIGIBLE PARTS.</b>	<b>AVERAGE BASE SALARY</b>	<b>MEDIAN BASE SALARY</b>
<b>TYPE OF BREAKDOWN</b>				
<b>OVERALL</b>		531	\$73,463	\$57,500
<b>GENDER</b>				
FEMALE		124	\$43,152	\$38,900
MALE		407	\$82,698	\$65,000
<b>FORM OF PRACTICE</b>				
Sole practitioner		90	\$61,693	\$48,000
Partner or shareholder in a law firm		195	\$109,428	\$76,149
Associate in a law firm		118	\$41,231	\$40,100
Government position		40	\$46,334	\$47,000
Corporate position		54	\$70,315	\$66,000
Academic position		6	\$50,775	\$51,650
Other		29	\$48,901	\$40,105
<b>AREA OF PRACTICE</b>				
General Practice		164	\$60,975	\$51,000
Administrative law		9	\$63,877	\$55,000
Agricultural law		1	*	*
Bankruptcy law		5	\$42,621	\$43,000
Civil Litigation - defendant		61	\$91,344	\$68,500
Civil Litigation - plaintiff		71	\$107,046	\$68,000
Computer law		3	\$61,039	\$35,300
Corporate & Business law		44	\$75,377	\$60,000
Corporate & Business law - In House		15	\$83,333	\$71,000

314

**Mary Gooderl**  
ATTORNEY AT LAW  
110 BANK ST. S.E., #1604  
MINNEAPOLIS, MINNESOTA 55414  
TELEPHONES: (612) 331-6833  
(612) 331-6809

OFFICE OF  
APPELLATE COURTS

MAR 11 1992

FILED

March 9, 1992

STATEMENT BY MARY GOODERL TO THE SUPREME COURT, STATE OF MINNESOTA

RE: Petition to establish a Board of Lawyers Assistance, and to amend the Rules of the Supreme Court for Registration of Attorneys to increase the Attorney Registration Fee by up to \$20 to fund a lawyers assistance program

Though any increase in fees demands close scrutiny in this instance I believe it is justified. I would underscore my agreement with the importance of dealing with the problems lawyers impaired by substance abuse cause the public and our profession. More than that, I believe many future problems will be avoided or minimized by the proposed program. The costs in human suffering justify the economic costs of preventing or alleviating physical or mental/emotional health problems, dealing with family stress and personal difficulties, in short, expanding our efforts to help our fellow professionals.

*Mary Gooderl*  
Mary Gooderl

Attorney license number 36043

12 cc to F. Grittner, Clerk of the Appellate Courts  
25 Constitution Avenue, St. Paul, MN 55155



U.S. Department of Justice

United States Attorney

*District of Minnesota*

234 United States Courthouse  
Minneapolis, Minnesota 55401

FTS/777-1500  
612/348-1500

March 9, 1992

OFFICE OF  
APPELLATE COURTS

MAR 10 1992

**FILED**

Mr. Fred Grittener  
Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Ave.  
St. Paul, MN 55155

Re: Proposed Increase in Attorney Registration Fees

Dear Mr. Grittener:

C9-81-1206

I have read with concern the January 21, 1992, Order of the Minnesota Supreme Court pursuant to a petition of the Minnesota State Bar Association (MSBA) proposing an increase in attorney registration fees. On behalf of myself and the 36 Assistant United States Attorneys for the District of Minnesota, I am writing in opposition to that proposed increase.

Those of us who have elected to pursue a legal career in the public sector make significant financial sacrifices in the interest of public service. Not only are we asked to forego salary and other compensation which could be realized in the private sector, but we are also asked to personally pay all expenses associated with our practicing law in the State of Minnesota. The United States Department of Justice does not pay attorney registration fees or bar dues for any federal prosecutor in Minnesota. I believe the same is true for all state prosecutors. This contrasts dramatically with those attorneys in the private sector who frequently enjoy not only higher compensation but also have their registration fees and bar dues paid by their firms. Attorneys in the private sector also comprise the leadership of the MSBA.

Ironically, the MSBA is currently attempting to increase its membership amongst those lawyers who practice in the public sector. In response to that initiative, I recently undertook a poll of the 36 Assistant United States Attorneys in my office. That poll indicated that only six of those Assistants are members of the MSBA. All 30 Assistants who are not members indicated that their primary reason for not joining is the cost of membership.


Mr. Fred Grittener  
March 9, 1992  
Page 2

As the cost of being a lawyer in Minnesota increases, there is an ever-widening rift between those who practice in the private sector and those who practice in the public sector. The proposed increase in attorney registration fees only widens this gap. Although I support the MSBA's establishment of a Lawyers Assistance Program, the cost of that program through escalated fees is borne disproportionately by those in the public sector.

For the reasons set forth above, I urge the Court to reject the petitions of the MSBA and the Lawyers Professional Responsibility Board. If the Court feels compelled to raise the fee, I would suggest that the Court establish a fee base for those lawyers currently employed in the public sector. A similar reduced fee is currently available to attorneys on duty in the armed forces of the United States.

Thank you for your consideration in this matter. If I may be of any assistance, please contact me.

Sincerely,

  
THOMAS B. HEFFELFINGER  
United States Attorney

cc: Honorable A. M. Keith  
Chief Justice  
Minnesota Supreme Court

TBH/rme

LAW OFFICES

# Christian & Peterson, P.A.

---

Ralph H. Peterson	Stephen R. Erickson	Mailing Address:	Telephone:	Founded 1901
Rolf O. Sien	Mark A. Anderson	P.O. Box 169	(507) 373-2345	John F. D. Meighen (1877-1957)
Don A. Johnson	John T. Hareid	Albert Lea, MN	(507) 373-3946	Bennett O. Knudson (1890-1964)
James E. Broberg	Daryl D. Bail	56007-0169	Facsimile:	William P. Sturtz (1896-1980)
Phillip A. Kohl			(507) 373-7295	Edward T. Christian (Retired)

---

March 3, 1992

OFFICE OF  
APPELLATE COURTS

MAR 5 1992

**FILED**

The Honorable Supreme Court  
of the State of Minnesota  
c/o Frederick Grittner,  
Clerk of the Appellate Court  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

C9-81-1206

In Re: Petition to establish a Board of Lawyers Assistance,  
and to amend the Rules of the Supreme Court for  
Registration of Attorneys to increase the Attorney  
Registration Fee by up to \$20 to fund a lawyers  
assistance program.

I file this writing in support of the described Petition of the  
Board of Lawyers Assistance and the Minnesota State Bar  
Association.

The practice of law in Minnesota for some lawyers is stressful to  
the breaking point. Not only has the practice itself become more  
stressful, but the life styles of many lawyers subject them to  
additional stress. As both spouses seek to engage in  
professional practice or other occupations, while at the same  
time raising families and being active in the community, the  
stress at times gets to be greater than some of them can handle.

When a lawyer or his or her family reaches a point where they  
cannot cope with their problems, this can and does, at times,  
result in conduct that is not beneficial to the profession,  
clients or society. This can and does sometimes result in  
burdens upon the profession, the Court and the clients security  
fund, as well as the public in general.

In some instance if they had readily available by telephone or  
otherwise professional assistance, they might be able to avoid  
the serious consequences of undesirable action that they take as  
a result of their problems. In past years, many of us simply had  
to "tough out" these difficult periods but we did not do so

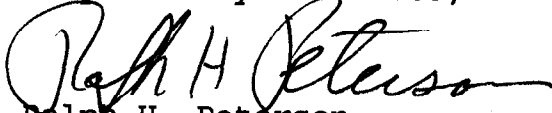


without undesirable and bad consequences to ourselves, our families and others.

I feel now that the stress on many lawyers is far greater than I ever experienced during my years of practice.

Twenty dollars per year additional costs for the Attorney's Registration Fee to each lawyer practicing in the State of Minnesota would be a good investment for the lawyers of the State of Minnesota. If the services provided even become beneficial to just a few lawyers, it would in fact be beneficial to many lawyers and would be of benefit to the legal profession, the Courts and the general public.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ralph H. Peterson". The signature is written in dark ink and is positioned above the typed name.

Ralph H. Peterson  
Attorney at Law  
Albert Lea, Minnesota

RHP:grs

# WASHINGTON SQUARE LAW OFFICE

---

(612) 426-1661  
4687 Clark Avenue  
White Bear Lake, MN 55110-3416  
January 31, 1992

ROBERT W. HERR  
Attorney at Law

OFFICE OF  
APPELLATE COURTS

FEB . 3 1992

FILED

Frederick Grittner  
Clerk of Appeals Court  
245 Judicial Center  
25 Constitution Avenue  
Saint Paul, MN 55155

Re: Petition to Establish a Board of Lawyers Assistance  
and to Increase Attorney Registration Fee **C9-81-1206**

Dear Clerk Grittner:

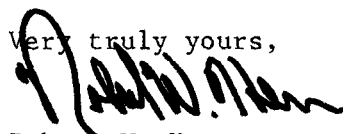
I am opposed to the Petition of the Minnesota State Bar Association to establish a Board of Lawyers Assistance and impose a fee upon attorneys for the support of such Board and its activities.

I feel it is degrading to be forced to support a program to assist other members of the profession of which I have been a member for two decades and the profession which I expect both of my adult children will enter. Admittedly some lawyers need help with chemical dependency, others need help in their moral life, religious life, handling finances and standards of integrity, but requiring other lawyers to fund programs to help "needy lawyers" is an assault on the concept of lawyers as independent professionals.

Further, I give no weight to the argument that assistance for "needy lawyers" or imposing requirements upon all lawyers to fund the theft of other lawyers does anything to enhance our image in the public. I really believe we delude ourself by thinking that the public is the least bit concerned about what we do as a group to aid other lawyers for the handful of victims of lawyers who are thieves. To the contrary, I believe that the public ignores or looks with disbelief and possibly amusement upon our efforts to help lawyers in trouble or pay lawyers' victims. In this regard, I have been practicing for nearly twenty years in a family practice setting and have never had any feed back from clients or members of the public with regard to the efforts which have been made in the past to patch up or build up the image of lawyers following notorious defaults of other lawyers.

In conclusion, I feel less proud being an attorney as a result of the efforts which have been made in the past years to make me responsible for the welfare of my fellow lawyers or to pay for their theft.

Very truly yours,



Robert W. Herr  
RWH/als

OFFICE OF  
LAWYERS PROFESSIONAL RESPONSIBILITY

520 LAFAYETTE ROAD  
SUITE 100  
ST. PAUL, MINNESOTA 55155-4196

TELEPHONE (612) 296-3952  
TOLL-FREE 1-800-657-3601  
FAX (612) 297-5801

DIRECTOR  
WILLIAM J. WERNZ  
FIRST ASSISTANT DIRECTOR  
THOMAS C. VASALY

ASSISTANT DIRECTORS  
CANDICE M. HOJAN  
KENNETH L. JORGENSEN  
MARTIN A. COLE  
BETTY M. SHAW  
WENDY WILLSON LEGGE  
PATRICK R. BURNS  
KAREN A. RISKU

March 4, 1992

OFFICE OF  
APPELLATE COURTS

MAR. 6 1992

**FILED**

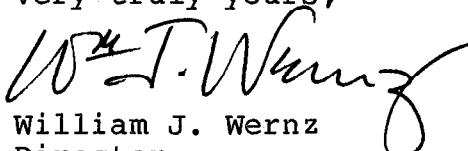
Mr. Frederick Grittner  
Clerk of Appellate Courts  
Office of Appellate Courts  
25 Constitution Avenue  
Room 245  
St. Paul, MN 55155

Re: File C9-81-1206

Dear Mr. Grittner:

Enclosed are 12 copies of a request to make an oral presentation regarding the petition of the Lawyers Professional Responsibility Board for amendment of rules relating to registration of attorneys. On January 10 I filed an original and eight copies of the Board's petition. Please take this filing as the only written statement concerning the hearing which the Board wishes to file. Kindly advise me if I should file four more copies.

Very truly yours,

  
William J. Wernz  
Director

tt

Enclosures

cc: Honorable John E. Simonett  
Gregory M. Bistram

FILE NO. C1-81-1206

OFFICE OF  
APPELLATE COURTS

STATE OF MINNESOTA

MAR 6 1992

IN SUPREME COURT

**FILED**

-----  
In Re Petition of the Lawyers  
Professional Responsibility  
Board for Amendment of Rules  
Relating to Registration of  
Attorneys.  
-----

REQUEST TO MAKE AN  
ORAL PRESENTATION

The Director of the Office of Lawyers Professional  
Responsibility hereby requests leave of the Minnesota Supreme  
Court to make an oral presentation regarding the above petition.

Dated: March 4, 1992.

Respectfully submitted,



WILLIAM J. WERNZ  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 11599X  
520 Lafayette Road, Suite 100  
St. Paul, MN 55155-4196  
(612) 296-3952

3/16

**Philip G. Villaume and Associates**

Attorneys at Law

**Attorneys:**

Philip G. Villaume  
James J. Abbs

**Of Counsel:**

David L. Warg  
Peter N. Thompson

**Office Administrator:**

Gwen Herem

OFFICE OF  
APPELLATE COURTS

MAR 16 1992

March 16, 1992

**FILED**

Mr. Frederick K. Grittner  
Clerk of the Appellate Court  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

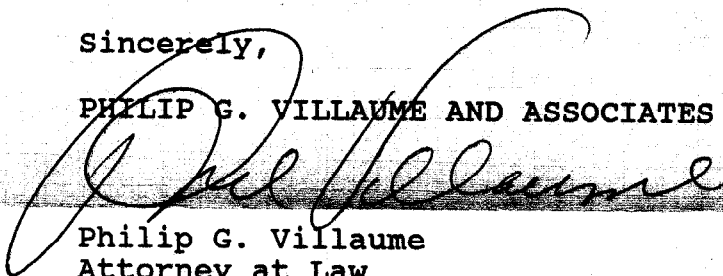
Dear Mr. Grittner:

Enclosed are twelve copies of my statement concerning the Minnesota State Bar Association's Petition to the Supreme Court of Minnesota to increase the Attorney Registration Fee by up to \$20 to fund a lawyers assistance program.

I wish to make an oral presentation of my statement at the hearing on March 20, 1992.

Sincerely,

PHILIP G. VILLAUME AND ASSOCIATES



Philip G. Villaume  
Attorney at Law

PGV:ko

MAR 16 1992

STATE OF MINNESOTA  
IN THE SUPREME COURT

**FILED**

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In Re Petition to establish  
a Board of Lawyers Assistance,  
and to amend the Rules of the  
Supreme Court for Registration  
of Attorneys to increase the  
Attorney Registration Fee by up to  
\$20 to fund a lawyers assistance  
program.

**MEMORANDUM IN SUPPORT  
OF PETITION OF THE  
MINNESOTA STATE BAR  
ASSOCIATION**

---

I, Philip G. Villaume, submit this written statement in support of the Minnesota State Bar Association petition to adopt a Lawyers Assistance Program. This program would benefit all lawyers in the State of Minnesota as a way of reducing the numbers of impaired lawyers and the length of time before an impaired lawyer receives help.

I believe this program would be particularly helpful to young law school graduates applying for the Bar in Minnesota. As an adjunct faculty member of Hamline University School of Law, I see stress and stress-related disorders developing early in law school. In my practice, I have represented over the years numerous students who have come to me for legal advice or just to seek assistance and direction.

Stress exists in law school. For some students, alcohol and drugs are a devastating alternative to the pressures of law school. The habits that are formed as a response to the demands of law school are frequently repeated in professional practice. Unfortunately, the consequences of alcohol and related chemicals in the legal profession are well documented. Fifty per cent of all

disciplinary proceedings brought against attorneys originate from alcohol and substance abuse. Fifty per cent of malpractice cases also has its source in alcohol and drug use.

Hamline University School of Law recently formed a chemical dependency task force recognizing the pervasive nature of the problems that begin in law school and carry over into the law profession. I believe that for lawyers and law students, stress and stress-related disorders will be the single-most critical problem confronting us in the 1990's. Every year at orientation for the incoming class at Hamline Law School students, I speak on the very issues that the lawyers assistance program would deal with. Students have the opportunity to discuss issues concerning stress-related disorders, chemical dependency and civility in two classes I have taught- Private Attorney Practicum and Litigation Practice. From the students perspective, it is a growing concern that the pressures of law school and later in the law profession can negatively effect their ability and fitness to practice law.

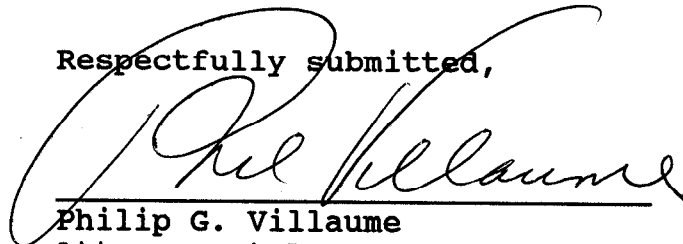
Educators and professionals I have come in contact with are equally concerned. After law school, you quickly discover that practicing law is inherently stressful. Lawyers who think they are more stressed than other people are probably right. Three different studies from Wisconsin, Arizona and Washington, show remarkably consistent results. In measures of nine stress related symptoms such as anxiety, depressions, hostility, and feelings of social alienation and isolation, lawyers consistently scored higher than the general population. The incidents of stress related disorders in the lawyer population is among the highest of any

professional group. Studies have shown an unusually high percentage of practicing lawyers to suffer from depression, and that the rate of alcohol abuse and chemical dependency is nearly twice the national average.<sup>1</sup>

The Lawyers Assistance Program would attempt to give lawyers an outlet and an opportunity to treat these problems. It is an initial step at realizing that the law profession is a stressful profession and that the negative effects of stress and stress related disorders has an enormous impact on the profession as a whole.

As a final comment, first year law school students during orientation are told they will "learn to think like a lawyer". However, students should also be taught how a lawyer can cope when he/she learns to think like a lawyer. I have told incoming students that law school has to be a process of character building, learning to cope in real life situations. It is my sincere hope that the Lawyers Assistance Program will provide a formal structure to assist those lawyers who are unable to cope with the everyday stresses lawyers face.

Respectfully submitted,



Philip G. Villaume  
Attorney at Law  
7900 International Drive Suite 675  
Bloomington, MN 55425  
(612) 851-0823  
Registration No. 112859

---

<sup>1</sup> Deborah L. Arron, Running From The Law, (1989).



3/16

OFFICE OF  
APPELLATE COURTS

STATE OF MINNESOTA  
IN THE SUPREME COURT

MAR 16 1992

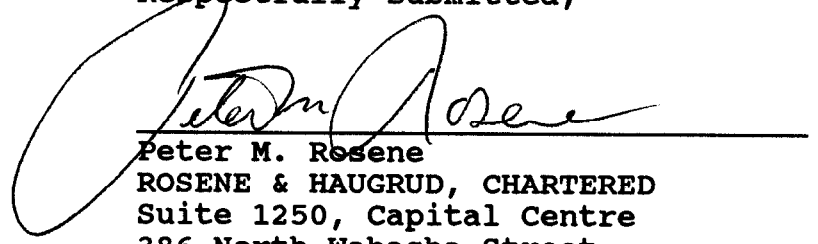
**FILED**

-----  
In Re Petition to establish a Board  
of Lawyers Assistance, and to amend  
the Rules of the Supreme Court for  
Registration of Attorneys to increase  
the Attorney Registration Fee by up to  
\$20 to fund a lawyers assistance  
program.  
-----

REQUEST  
FOR ORAL  
PRESENTATION

Peter M. Rosene, an attorney at law duly licensed to  
practice in the State of Minnesota respectfully requests the  
opportunity to make an oral presentation to the Court at the hearing  
scheduled for March 20, 1992 at 9:00 a.m. regarding the captioned  
Petition.

Respectfully submitted,



Peter M. Rosene  
ROSENE & HAUGRUD, CHARTERED  
Suite 1250, Capital Centre  
386 North Wabasha Street  
St. Paul, Minnesota 55102-1300  
(612) 227-6621  
Attorney ID # 130606

3-16-92

p-msba  
bjkm:pmr

March 16, 1992

Frederick Grittner  
Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Ave.  
St. Paul, MN 55155

Re: C9-81-1206  
C8-91-1728

OFFICE OF  
APPELLATE COURTS

MAR 17 1992

**FILED**

Dear Mr. Grittner:

Enclosed please find an original and twelve copies of written statements in opposition to the above-referenced matters, and an affidavit of service on the MSBA and LPRB. The attorneys signing these statements do not plan to make an oral presentation to supplement their written statements.

Very truly yours,



CORY A. CARLSON  
Assistant Hennepin County Attorney  
216 Thomas Ave. So.  
Minneapolis, MN 55405  
Telephone: (612) 348-3437

CAC:bs

Enc.

Nos. C9-81-1206  
C8-91-1728

OFFICE OF  
APPELLATE COURTS

MAR 16 1992

**FILED**

---

**STATE OF MINNESOTA**

**IN SUPREME COURT**

---

In the Matter of Proposed Amendments to the  
Rules of the Supreme Court for Registration of  
Attorneys to Increase the Attorney Registration  
Fee

---

**WRITTEN STATEMENTS IN  
OPPOSITION TO FEE INCREASES**

---

The undersigned public attorneys hereby object to petitions seeking increase in fees for the Lawyers Professional Responsibility Board (hereinafter "LPRB") and the Minnesota State Bar Association (hereinafter "MSBA").

There are several reasons why these increases should not be permitted, the first of which is economic. The proposed fees represent a 33 percent increase in registration fees. Most private law firms pay these fees on behalf of their attorneys as a business expense and are able to spread these costs among their clients through increased billing rates. In contrast, most public lawyers pay the existing registration fees, and would pay any increases, out of pocket. Public lawyers do not bill clients and are not in a position unilaterally to increase their own salaries to cover such increases in overhead.

In this regard, it should be noted that because of the economy, most public lawyers will not receive salary increases

this year or next that will even begin to keep pace with inflation. Even the private bar is feeling acute strains. Under these circumstances it seems wholly inappropriate for a group such as the LPRB to request a 25 percent increase in its budget.

In addition to these economic factors, there are several policy reasons why the public bar should not be subject to the proposed increases.

#### **LPRB PROPOSAL**

The LPRB proposes a \$20 increase to cover increasing investigative and prosecutorial functions. Yet, attorney misconduct resulting in investigation and action by the LPRB almost entirely involves the private bar. For instance, statistics collected by the LPRB reflect that in 1991 the LPRB received 1,380 complaints. Yet, none of the areas of complaint focus on governmental or public lawyers.

That is not to suggest that the public bar is more or less infallible or upstanding than the private bar. But there are significant reasons why public lawyers do not constitute a drain on LPRB resources.

First, a large percentage of LPRB cases involve fee or fund disputes. Unlike the private bar, the public bar does not bill or handle client funds, thereby eliminating retainer and billing disputes and claims of misuse of funds. In fact, because they do not collect fees or handle client funds, public attorneys are granted an exemption from IOLTA reporting.

Second, unlike the private bar, public lawyers are employees of their client political subdivision and, as such, subject to the entity's personnel rules and procedures like any

other employee. If their performance is inadequate, it is addressed through regular employee performance reviews. If the public attorney engages in misconduct, the subdivision already has a disciplinary process in place to address the problem. In contrast, private attorneys do not necessarily have any internal supervisory or review mechanism to scrutinize their conduct. The LPRB may well be the first, last and only body to scrutinize a private attorney's conduct.

Third, a public attorney has a client that is usually far more sophisticated and experienced than a private client in understanding the subject matter and legal issues involved in the representation. Since the public attorney works only for the single client, the public client is better informed, has greater day-to-day contact with its attorney, and has a much better sense of the nature and source of problems that arise. Further, this close and continuous attorney/client relationship permits anticipation that can avoid problems or concerns that might otherwise create misunderstandings or disputes between the attorney and client.

#### MSBA PROPOSAL

The MSBA proposes to raise fees to create a "Lawyers Assistance Board" to prevent "damage caused to the public and the profession by lawyers impaired by substance abuse, physical or mental/emotional health problems, family stress or other personal difficulties . . . ."

This proposal seems inappropriate for several reasons. First, the MSBA's petition represents an attempt to force compulsory fees and programs onto lawyers who previously have had

a choice whether to participate in or ascribe to the MSBA's agenda and activities. More importantly, the MSBA attempts to control the charitable giving of members and nonmembers alike, in effect dictating that, of the limited number of dollars the lawyer can budget for charitable giving, twenty of those dollars will be dedicated first to counseling chemically dependent lawyers.

While chemically dependent lawyers should seek and receive help, there are many other people, such as the poor and homeless, battered women, and the illiterate, who are at least as worthy. Lawyers who don't share the MSBA's fixation on lawyers may rightfully resent having twenty of their charitable dollars involuntarily diverted away from other groups to whom the donor feels a much stronger commitment. In this regard, it seems rather disingenuous for a group of lawyers, such as the MSBA, who regularly charge middle-class clients \$100-\$250 per hour, to propose fees (which will be passed on to clients) in order to rehabilitate other lawyers. Reform of the bar might more credibly begin with reform of an attorney fee structure that often reflects grave insensitivity to the tenuous economic circumstances of its clientele.

Second, the MSBA should not be in the counseling business. No other profession is required to compensate victims of malpractice, pay for investigating and prosecuting misconduct, and provide counseling for the perpetrator. Society as a whole benefits from the existence of the legal system. If there are systemic problems, each citizen should pay remedial costs through tax assessments. They should not be borne by the upstanding

members of the profession. Attorneys who comport themselves properly should not be viewed as guarantors or insurers for the acts of others in their profession who do not.

Third, this program seems redundant. There are already numerous organizations such as Alanon, Alcoholics Anonymous, MADD and others that we, as citizens, support with our private donations and contributions. In addition, a variety of Community Services programs, funded by public dollars, already offer services similar to those proposed by petitioner.

Further, the employee benefit packages of public employees already offer the exact short-term counseling and referral being proposed. In fact, with regard to the public bar, the MSBA readily admits this redundancy by stating that its program uses "as a model the employee assistance programs provided by many corporations and governmental units." Since corporate and public attorneys are already paying for these services through work, they should not be asked to do so again through increased registration fees.

Public lawyers care for the integrity of the bench and general bar as much as any lawyer, and because of their commitment to public service, perhaps more. However, the economic cost of maintaining that integrity must be fairly allocated according to those who create those costs. Public attorneys do not substantially contribute to the problems or costs sought to be covered by the proposed fees, and therefore should not be asked to provide for new programs and increased costs on a dollar-for-dollar basis with the private bar.

In this regard, it must be noted that "new" attorneys, nonresident attorneys and attorneys in the armed forces currently pay only 32 percent of the fee that other lawyers, private or public, pay. In addition, the petition of the LPRB proposes to raise the fee of most lawyers 16.4 percent, while it raises those in the reduced class by only 7.7 percent.

This fee differential appears to reflect a sensitivity not only for distinctions in financial wherewithal, but also the more limited position and opportunity to commit misconduct. The circumstances of the public bar certainly would seem to justify a reduced rate category for public lawyers. Again, at some point the reduced opportunity of the public bar to commit misconduct and the comparatively lower demand of the public bar on LPRB resources must be considered.

The undersigned request that the petitions of the LPRB and MSBA be denied. If granted, however, it is requested that a reduced rate for the public bar with regard to the entire attorney registration fee be instituted or that, at least, the proposed fee increases be reduced for the public bar to those rates of the other reduced classes.

By: 

CORY A. CARLSON (145105)  
Assistant Hennepin County Attorney  
216 Thomas Ave. So.  
Minneapolis, MN 55405  
Telephone: (612) 348-3437

Dated: 3/16/92



Dated: <u>3/11/92</u>	<u>Cheri Sudit</u> 156 167 Cheri Sudit ID No.
Dated: <u>3/12/92</u>	<u>Toni A. Beitz</u> 6245 Toni A. Beitz ID No.
Dated: <u>3/12/92</u>	<u>Art Katzman</u> 54021 Arthur Katzman ID No.
Dated: <u>3/12/92</u>	<u>Jaheen Rosas</u> 93270 Jaheen Rosas ID No.
Dated: <u>3/12/92</u>	<u>Lisa Berg</u> 120807 Lisa Berg ID No.
Dated: <u>3/12/92</u>	<u>Lon M. Erickson</u> 140004 Lon M. Erickson ID No.
Dated: <u>3/12/92</u>	<u>Mary L. Egan</u> 25884 Mary L. Egan ID No.
Dated: <u>3/12/92</u>	<u>Karla F. Hancock</u> 120686 Karla F. Hancock ID No.
Dated: <u>3/12/92</u>	<u>Michael Q. Lynch</u> 65596 Michael Q. Lynch ID No.
Dated: <u>3/12/92</u>	<u>Lee W. Barry</u> 4972 Lee W. Barry ID No.
Dated: <u>3/12/92</u>	<u>Margaret Daly</u> 129100 Margaret Daly ID No.
Dated: <u>3/12/92</u>	<u>Peter J. Stiehm</u> 105648 Peter J. Stiehm ID No.
Dated: <u>3-12-92</u>	<u>James H. Gaffney</u> 32955 James H. Gaffney ID No.

Dated: <u>3-12-92</u>	<u>Mary E. Hannon</u> Mary E. Hannon ID No. 175699
Dated: <u>3/12/92</u>	<u>Katherine Quaintance</u> 177751 Katherine Quaintance ID No.
Dated: <u>3-12-92</u>	<u>Diane M. Krenz</u> 168218 Diane M. Krenz ID No.
Dated: <u>3-12-92</u>	<u>Judith M. Hawley</u> 182473 Judith M. Hawley ID No.
Dated: <u>3-13-92</u>	<u>John W. Trojohn</u> 110930 John W. Trojohn ID No.
Dated: <u>3/13/92</u>	<u>Thomas L. Aarestad</u> 73 Thomas L. Aarestad ID No.
Dated: <u>3-13-92</u>	<u>Pamela A. Fergen</u> 28903 Pamela A. Fergen ID No.
Dated: <u>3-13-92</u>	<u>Robert T. Rudy</u> 94225 Robert T. Rudy ID No.
Dated: <u>3-16-92</u>	<u>Linda Jenny</u> 49955 Linda Jenny ID No.
Dated: <u>3-16-92</u>	<u>Coleen M. Brady</u> 50751 Coleen M. Brady ID No.
Dated: <u>3/16/92</u>	<u>James A. Faber</u> 28009 James A. Faber ID No.
Dated: <u>3/16/92</u>	<u>Karl Boss</u> 180646 Karl Boss ID No.
Dated: <u>3/16/92</u>	<u>William T. Richardson</u> 91431 William T. Richardson ID No.

Dated: 3/12/92 Leonard D. Brod 11721  
Leonard D. Brod ID No.

Dated: 3/12/92 John R. Owen 83367  
John R. Owen ID No.

Dated: 3-12-92 Michael Richardson 91388  
Michael Richardson ID No.

Dated: 3-12-92 E. David Reyes 204092  
E. David Reyes ID No.

Dated: 3-12-92 Mark V. Griffin 772649  
Mark V. Griffin ID No.

Dated: 3-12-92 Therese Galatowitsch 185310  
Therese Galatowitsch ID No.

Dated: 3-12-92 James Bares 4674  
James Bares ID No.

Dated: 3-12-92 James Albrecht 917  
James Albrecht ID No.

Dated: 3-12-92 Gary McGlennen 70427  
Gary McGlennen ID No.

Dated: 3-12-92 David Brown 18701X  
David Brown ID No.

Dated: 3.12.92 Paul R. Scoggin 161445  
Paul R. Scoggin ID No.

Dated: 3/12/92 Daniel F. Byrne 1395X  
Daniel F. Byrne ID No.

Dated: 3/12/92 Charles Sweetland 104771  
Charles Sweetland ID No.

Dated: 3-11-92

Donna J. Wolfson 118576  
Donna J. Wolfson ID No.

Dated: 3/11/92

Thomas A. Weist 115605  
Thomas A. Weist ID No.

Dated: 3/11/92

Elizabeth C. Elder 193021  
Elizabeth C. Elder ID No.

Dated: 3/11/92

Kim A. Herd 219897  
Kim A. Herd ID No.

Dated: March 11, 1992

Mark Chapin 138393  
Mark Chapin ID No.

Dated: 3-11-92

John St. Marie 120364  
John St. Marie ID No.

Dated: 3-11-92

Donna M. Gustafson 38751  
Donna Gustafson ID No.

Dated: 3/11/92

Peter W. Ross 182953  
Peter W. Ross ID No.

Dated: 3/11/92

Paul R. Jennings 49943  
Paul R. Jennings ID No.

Dated: 3-11-92

Susan M. Hanstad 19346X  
Susan M. Hanstad ID No.

Dated: 3-11-92

Robert J. Streit 106410  
Robert J. Streit ID No.

Dated: 3-11-92

Beverly J. Wolfe 115605  
Beverly J. Wolfe ID No.

Dated: 3-11-92

Nancy A. Schwappach 152420  
Nancy A. Schwappach ID No.

Dated: 3-12-92

40605 Gail Baez  
Gail Baez ID No.

Dated: 3-12-92

Judy Johnston 150940  
Judy Johnston ID No.

Dated: 3-12-92

David A. Olson 81826  
David A. Olson ID No.

Dated: 3-12-92

James Appleby 149391  
James Appleby ID No.

Dated: 3-12-92

Peter Connors 18545  
Peter Connors ID No.

Dated: 3-12-92

Kevin Johnson 51251  
Kevin Johnson ID No.

Dated: 3-12-92

Christopher Coleman 187252  
Christopher Coleman ID No.

Dated: 3-12-92

Charles Salter 130655  
Charles Salter ID No.

Dated: 3-12-92

LeRoy Jackson 49232  
LeRoy Jackson ID No.

Dated: 3-12-92

Kerry Wilson 21694X  
Kerry Wilson ID No.

Dated: 3-12-92

Mary M. Wahlstrand 113657  
Mary M. Wahlstrand ID No.

Dated: 3-13-92

Thomas S. Arneson 209211  
Thomas S. Arneson ID No.

Dated: 3-13-92

Jyotsna Gorti 182448  
Jyotsna Gorti ID No.

Dated: <u>3/16/92</u>	<u>Clair F. Cole</u>	<u>139506</u>
	Clair F. Cole	ID No.
Dated: <u>3/16/92</u>	<u>William A. Neiman</u>	<u>77471</u>
	William A. Neiman	ID No.
Dated: <u>3-16-92</u>	<u>Clifford B. Wardlaw</u>	<u>183908</u>
	Clifford B. Wardlaw	ID No.
Dated: <u>3-16-92</u>	<u>Nancy K. Jones</u>	<u>136608</u>
	Nancy K. Jones	ID No.
Dated: <u>3-16-92</u>	<u>Katy Stesniak</u>	<u>127838</u>
	Katy Stesniak	ID No.
Dated: <u>3-16-92</u>	<u>Jennifer J. Johnson</u>	<u>136578</u>
	Jennifer J. Johnson	ID No.
Dated: <u>3-16-92</u>	<u>Jay Arneson</u>	<u>138782</u>
	Jay Arneson	ID No.
Dated: <u>3-16-92</u>	<u>Paul Jung</u>	<u>53028</u>
	Paul Jung	ID No.
Dated: <u>3/16/92</u>	<u>Karel Lee Moersfelder</u>	<u>74184</u>
	Karel Lee Moersfelder	ID No.
Dated: <u>3/16/92</u>	<u>Susan Crumb</u>	<u>148246</u>
	Susan Crumb	ID No.
Dated: _____	_____	ID No.
Dated: _____	_____	ID No.
Dated: _____	_____	ID No.

Dated: 3-13-92

Paul E. Lindholm  
Paul E. Lindholm 63496

Dated: 3-13-92

John P. Tuohy 111284  
JOHN P. TUOHY

Dated: 3-13-92

Janice Barker 149202  
Janice Barker

Dated: 3-13-92

David S. Miller 151956  
DAVID E. MILLER

Dated: 3-13-92

Leonard T. Street 106367  
Leonard T. Street

Dated: 3-13-92

Delroy J. Gorecki 16286  
Delroy J. Gorecki

Dated: 3-13-92

Namuel J. Hollman 46358

Dated: 3.13.92

FREDERICK A. PINK, JR. 165840

Dated: 3-13-92

James R. Kopon  
James R. Kopon 57484

Dated: 3-13-92

Robert A. Plesha 87178  
Robert A. Plesha

Dated: 3-13-92

Clayton M. Robinson 126032  
Clayton M. Robinson

Dated: 3/13/92

Susan J. Hudson 142736  
Susan J. Hudson

Dated: 3-13-92

Mark N. Lustig 65730  
MARK N. LUSTIG

Dated: 3/13/92

SEBORAH SAHL 142919  
SEBORAH SAHL

Dated: 3-13-92

Anne Julliffe 198912

Dated: 3-13-92

Clinton Reardon 199436

Dated: 3-13-92

STEVEN R. PFAFF 169274  
STEVEN R. PFAFF

Dated: 3/13/92

Dated: 3-16-92

Dated: 3/16/92

Dated: 3/16/92

Dated: 3/16/92

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Dated: \_\_\_\_\_

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Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Ann E. Ploetz 185115  
ANN E. PLOETZO

Leslie Norsted 16902X  
Leslie Norsted

Timothy L. Kostka 220401  
Timothy L. Kostka

Mark J. Ponsolle 121630  
MARK J. PONSOLLE

Jeanne L. Schleh 96726  
JEANNE L. SCHLEH

Eric P. Johnson 167927  
ERIC P. JOHNSON

Richard L. Buchner 12607  
Richard L. Buchner



STATE OF MINNESOTA )  
 ) SS.  
COUNTY OF HENNEPIN )

**AFFIDAVIT OF SERVICE**

Mary E. Healy, being first duly sworn on oath, deposes and says:

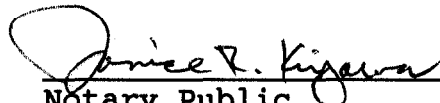
That on the 16th day of March, 1992, she served the annexed Statements in Opposition to the Petitions of the MSBA and LPRB on each of the following by mailing to each of them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing the same in the Hennepin County mail system in Minneapolis, Minnesota, directed to them at their last known addresses, as follows:

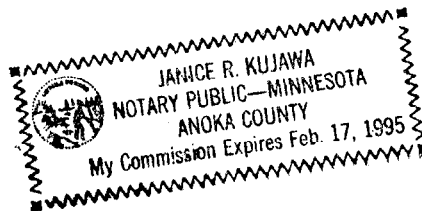
Charles Kennedy, Chairperson  
Lawyers Professional Responsibility Board  
520 Lafayette Rd., Suite 100  
St. Paul, MN 55155-4196

Thomas Gemeinder, Chairperson  
Robert Monson, President  
Minnesota State Bar Association  
514 Nicollet Mall  
Minneapolis, MN 55402



Subscribed and sworn to before me on March 16, 1992.

  
\_\_\_\_\_  
Notary Public



# MSBA



OFFICE OF  
APPELLATE COURTS

MAR 17 1992

**FILED**

Minnesota  
State Bar  
Association

March 12, 1992

514 Nicollet Mall  
Suite 300  
Minneapolis, MN 55402

Telephone  
612-333-1183  
In-state  
1-800-882-MSBA  
Facsimile  
612-333-4927

President  
Robert J. Monson  
St. Paul  
612-227-6301

President-Elect  
Robert A. Guzy  
Coon Rapids

Secretary  
Roger V. Stageberg  
Minneapolis

Treasurer  
Michael J. Galvin Jr.  
St. Paul

Vice President-Outstate  
John N. Nys  
Duluth

Past President  
Tom Tinkham  
Minneapolis

Executive Director  
Tim Groshens

Associate  
Executive Director  
Mary Jo Ruff

Mr. Frederick Grittner  
Clerk of the Appellate Courts  
245 Judicial Center  
25 Constitution Avenue  
St. Paul, MN 55155

Dear Mr. Grittner:

I would like to supplement our request for appearances at the March 20 hearing on the Lawyer Assistance Petition of the MSBA. We would like to have Tom Tinkham listed as one of the presenters supporting the Lawyer Assistance Petition. Mr. Tinkham's presentation will last no more than five minutes and can be included within the requested time of the Bar Association for this petition.

Thank you for your consideration. As requested, twelve copies of this letter are enclosed.

Sincerely,

Tim Groshens  
Executive Director

TG:ak  
cc: Robert J. Monson  
Tom Tinkham  
Thomas Gmeinder

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