

**MSBA Rules of Professional Conduct (RPC) Committee  
Meeting Summary**

**February 23, 2016  
8:00 a.m.  
MSBA Honors Room**

**Members Present:** Michael McCarthy–Chair, Tim Baland, Pat Burns, Eric Cooperstein, Luke Seifert, Nancy Mischel-MSBA staff. **By telephone:** Fred Finch, Cassie Hanson, David Schultz, Michael Vadnie.

**News:** Mr. Burns informed the Committee that Susan Humiston has been appointed by the court as the new Director for the Office of Lawyers Professional Responsibility and the Client Security Board.

**Status/Update from the Subcommittee on Pro Se Lawyers:** This subcommittee reviewed disciplinary cases applying the Rules of Professional Conduct to attorneys who appeared pro se, representing themselves. The cases are not consistent. One approach the subcommittee considered is to create a new Rule 1.0(b) that would define “client” as including lawyers appearing pro se. However, the subcommittee was not unanimous this is the best or most desired approach. A motion was made to lay this item on the table until such time as the Committee is considering other recommended changes to the Rules of Professional Conduct. At that time, the Committee will review this item again and decide whether it warrants inclusion in a possible petition to the court. Before including it, the Committee would seek input from a broader group of stakeholders, such as the family law section.

**Discussion of the “reply all” admonition mentioned in the February Bench & Bar:**  
**<http://mnbenchbar.com/2016/02/summary-of-private-discipline-3/>**

Mr. Cooperstein brought this issue to the Chair’s attention, questioning whether the admonition was warranted. Mr. Burns and Ms. Hanson supplied additional information about the case, namely that the attorney hit “reply all (including the opposing counsel’s client)” three times even after specific direction to stop doing so. Committee members agreed admonition was warranted under these circumstances.

**Review of the Court’s request for comments (due March 25) on the following petitions:**

**Amendments to the [Code of Judicial Conduct](#)**

**Amendments to the [Bar Admission Rules](#)**

Ms. Mischel reported that the Court Rules and Administration Committee reviewed the proposed changes and decided to write a letter to the court supporting the amendments. The Court Rules Committee may be willing to modify that stance if the RPC Committee has a different opinion. The Committee reviewed the proposed amendments and voted to join the Court Rules Committee in a joint letter to the court supporting the changes.

**Report from Practice Leave Subcommittee:** Mr. Finch reported the subcommittee is waiting for MLM to write a liability policy for Lawyers Concerned for Lawyers to cover their volunteer attorneys. Mr. Cooperstein, who serves on the MLM Board, verified that this is an item MLM is working on. Mr. Finch believes this will address the concern raised by LCL.

**Next meeting:** Tuesday, March 22, at 4:00 p.m. at the MSBA office. Note: this meeting will be cancelled if there are no agenda items. Notice of cancellation will be sent at least one week prior to the meeting.