

**ANNUAL REPORT  
OF THE  
MINNESOTA  
CLIENT SECURITY BOARD**

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**JULIE E. BENNETT  
ASSISTANT DIRECTOR**

**July 2010**

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Fund from October 1, 2009, through September 30, 2010. The Board has recommended that the fee be reinstated for FY 2011.

## II. THE CLIENT SECURITY BOARD AND ITS PROCEDURES

**Board Members.** As of June 30, 2010, the following individuals served on the Board (*see* Appendix 3; A. 4):

<u>Name</u>	<u>City</u>	<u>Term Expires</u>
Harriet J. Sims, Chair	Minneapolis	June 30, 2011 (second term)
Kathleen Clarke Anderson	Minneapolis	June 30, 2011 <sup>2</sup>
Kenneth D. Butler	Duluth	June 30 2011 (first term)
Richard A. Nethercut	Harmony	June 30, 2012 (second term)
Timothy O'Brien	Minneapolis	June 30, 2010 (first term)
Paul C. Peterson	Minneapolis	June 30, 2012 (first term)
Bonnie R. Russ	St. Paul	June 30, 2010 (second term)

Harriet Sims, an attorney with the Minnesota Department of Revenue, served as the Board's Chair for the past year. Ms. Sims will continue as the Board chair for the next fiscal year.

Board member Bonnie R. Russ completed her second term and will be leaving the Board. As a public member and certified public accountant, Ms. Russ contributed greatly to the Board and freely shared her financial knowledge. Mary Medved has been appointed by the Supreme Court to replace Ms. Russ as a public member. Additionally, public member Sheldyn Himle resigned her position on the Board due to her move out of state for a job opportunity. As mentioned above, the Supreme Court appointed Kathleen Clarke Anderson to complete Ms. Himle's term.

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<sup>2</sup> Ms. Anderson was appointed by the Supreme Court to complete the remainder of Sheldyn Himle's term. After the completion of Ms. Himle's term in June 2011, Ms. Anderson will be eligible for two additional terms.

The Minnesota State Bar Association ("MSBA") nominates three of the five attorney members; currently Ms. Sims, Mr. Nethercut and Mr. O'Brien are the MSBA nominees. The MSBA nominated Mr. O'Brien for a second term and he was recently reappointed by the Court to serve a second term. Ms. Russ and Ms. Anderson are the Board's current public members. The Board's liaison justice from the Supreme Court is Justice Christopher Dietzen.

**Funding and Budget Procedures.** With the resumption of collection of the Fund's portion of the lawyer registration fee, all active lawyers in Minnesota pay \$12 per year to support the Fund. In 1998, the Supreme Court recommended informal parameters for the fund of \$1.5-million and \$2.5-million, with the Board to report to the Court if the fund drops below or exceeds these figures. The Board projects fiscal year-end balances of \$3.1-million in June 2010 and \$3.2-million at the end of June 2011. This is above the Court's recommended parameters and has been reported to the Court.

The Board does not directly handle any funds nor the investment of the Fund. The assessment is collected through the Office of Lawyer Registration and placed into a segregated fund within the State Treasury. This past year the assessment generated approximately \$14,500. The Board also received approximately \$33,423 in interest income and approximately \$64,049 in restitution payments from lawyers on whose behalf claims have been paid.

The Board anticipates total income from all sources this coming year of approximately \$334,639. The Board has budgeted \$252,935 in total expenditures for next year. Based upon the information presently available to the Board concerning pending claims or known potential claims, the Board budgeted \$189,745 for claim payment next year. Just over \$63,000 has been budgeted for all non-claim expenses, including staff services, supplies, additional regular enhancements to the Board's

computer database and attendance by two people at national conferences. In most years, the Board has in fact been able to spend less than budgeted for all non-claim payment items in its budget. (Appendix 2, A. 3.)

**Administration.** The Office of Lawyers Professional Responsibility (OLPR) provides staff services to the Client Security Board. Martin Cole has served as the Director of Client Security Board since April 2006. Prior to his appointment as Director, Mr. Cole served as Assistant Director to the Client Security Board since its creation in 1986. Assistant Director, Julie E. Bennett, along with paralegal, Tricia Jorgensen, handle the day-to-day operations including contact with respondents and claimants while investigating claims.

Following each meeting, the Board issues a press release regarding claims paid pursuant to the Board's policy. The press releases are also posted on the Board's Web site in order to provide public access about the Board's activities. The Web site also contains answers to frequently asked questions (FAQ), the Board's rules, claim form, staff directory, copies of the current and past annual reports and an updated list of attorneys against whom claims have been paid, similar to that at Appendix 4 (A. 5-8). The Web site also has links to articles written about the Client Security Board. The Board has been reconstructing its Web site over the past year. The new Web site was launched June 30, 2010.<sup>3</sup>

The Minnesota Attorney General provides legal services to the Client Security Board in enforcing its subrogation rights against attorneys on whose behalf the Board has paid claims, or against any third persons from whom payments may be legally obtained. Assistant Attorneys General, Angela Behrens, Jackson Evans, and Kelly Kemp represent the Board in subrogation matters. The Board pays no attorney fees for this representation, but is responsible for direct costs of collection

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<sup>3</sup> The Client Security Board Web site address is: <http://csb.mncourts.gov>.

efforts and litigation. The Attorney General also assists the Board in being listed as a victim in criminal restitution orders where appropriate.

Also as a part of the collection process, the Board may forward matters to the Minnesota Department of Revenue (MDOR), which has a division created to assist government agencies in their collection work. Although the Attorney General continues to handle most matters for the Board that are contested, or that appear capable of prompt resolution, other matters are now referred to MDOR to pursue. The referrals to MDOR are now made electronically, thereby, allowing referrals to be made more quickly and decreasing the amount of paperwork necessary for a referral.

**Claims Procedure.** Claims are initiated by the submission of a claim to the Director's Office on forms approved by the Board. Claimants are provided the forms and a brochure to help explain the process. The claim form, brochure and copies of the Board's rules are also available via the Board's Web site.

The respondent attorney is provided an opportunity to respond in writing, although frequently no response is received. The Board also has access to all lawyer disciplinary files, from which considerable information can be obtained.

The rules provide that claimants are expected to pursue reasonably available civil remedies. In order to avoid hardship and provide prompt claim resolution and payment, the Board occasionally exercises its discretion by waiving this requirement when it is already known that the Attorney General will be pursuing litigation against the attorney under the Board's subrogation rights.

Generally, attorney disciplinary proceedings against the responding attorney will have been completed before any Client Security payment is made. The Board generally relies upon findings made in related lawyer disciplinary action concerning misappropriation, or in related civil or criminal cases whenever

possible. The Board has no aggregate limits on the amount that may be paid on a lawyer's behalf. The maximum payment per claim is \$150,000, one of the highest limits in the country. It appears to remain a sufficient maximum amount at this time.

If a claim is denied, the claimant and respondent are notified in writing of the Board's determination and reasoning. The claimant has the right to request reconsideration and a discretionary meeting with the Board, so that all claimants have a full opportunity to present the merits of their claim.

### III. GOALS AND OBJECTIVES

No major funding issues are anticipated this coming year. The Board has experienced members who continue to provide sound leadership. The Fund's principal goal, as always, is to provide as close to 100 percent payment to 100 percent of the valid claims, subject to the Board's maximum payment of \$150,000. Prompt resolution of claims following disciplinary or criminal proceedings is the other major goal for the Board every year.

Respectfully submitted,

Dated: July 9, 2010.

  
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HARRIET J. SIMS, CHAIR  
MINNESOTA CLIENT SECURITY BOARD

Dated: July 8, 2010.

  
\_\_\_\_\_  
MARTIN A. COLE, DIRECTOR  
MINNESOTA CLIENT SECURITY BOARD

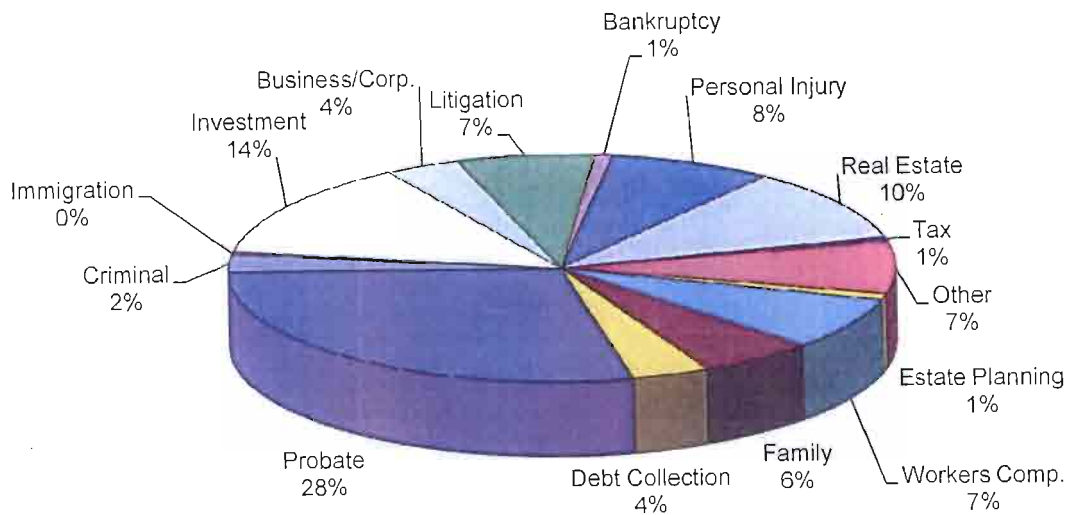
Dated: July 8, 2010.

  
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JULIE E. BENNETT, ASSISTANT DIRECTOR  
MINNESOTA CLIENT SECURITY BOARD

**Awards of Reimbursement - July 1, 1987  
through June 30, 2010**

**This table summarizes, by area of law, all claims for reimbursement  
approved by the Board since 1987.**

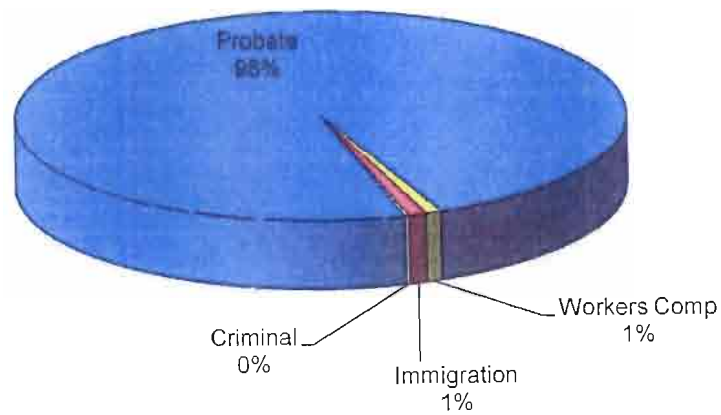
<b>Area of Law</b>	<b>Number of Awards</b>	<b>Amount of Awards</b>
Bankruptcy	19	\$52,483.30
Business/Corporation	12	\$225,607.40
Criminal	34	\$155,268.69
Debt Collection	38	\$232,607.30
Estate Planning	2	\$49,409.03
Family	67	\$354,039.61
Immigration	14	\$24,800.00
Investment	15	\$854,609.47
Litigation	42	\$420,784.34
Other	65	\$465,778.26
Personal Injury	33	\$503,896.05
Probate	58	\$1,784,702.27
Real Estate	40	\$655,178.26
Tax	10	\$46,212.28
Workers Comp	19	\$467,614.70
<b>Total</b>	<b>468</b>	<b>\$6,292,990.96</b>



**Awards of Reimbursement - July 1, 2009  
through June 30, 2010**

This table summarizes, by area of law, all claims for reimbursement  
approved by the Board during fiscal year 2010.

<b>Area of Law</b>	<b>Number of Awards</b>	<b>Amount of Awards</b>
Criminal	1	\$600.00
Immigration	1	\$3,000.00
Probate	2	\$300,000.00
Workers Comp	1	\$2,500.00
<b>Total</b>	<b>5</b>	<b>\$306,100.00</b>



**CLIENT SECURITY FUND FINANCIAL HISTORY**

Fiscal Year	Contribution by Bar	Investment Income	Restitution	Number of Claims Paid	Amt. Paid to Claimants	Other Expenses	Balance Year End
1995	\$ 349,424	\$ 85,075	\$ 37,075	14	\$ 62,421	\$ 25,471	\$1,781,800
1996	\$ 368,450	\$ 82,630	\$ 31,361	22	\$ 705,524	\$ 35,427	\$1,523,290
1997	\$ 375,730	\$ 94,547	\$ 23,797	12	\$ 103,073	\$ 27,207	\$1,887,084
1998	\$ 255,762	\$ 119,276	\$ 25,217	35	\$ 341,984	\$ 40,481	\$1,904,874
1999	\$ 325,207	\$ 118,078	\$ 200,416	42	\$ 413,231	\$ 35,575	\$2,099,769
2000	\$ 328,746	\$ 121,970	\$ 45,783	23	\$ 481,187	\$ 50,814	\$2,064,267
2001	\$ 333,805	\$ 134,507	\$ 80,028	14	\$ 99,073	\$ 61,436	\$2,452,098
2002	\$ 342,067	\$ 89,230	\$ 75,961	38	\$ 330,117	\$ 58,390	\$2,570,849
2003	\$ 322,891	\$ 61,824	\$ 22,994	27	\$ 140,272	\$ 35,028	\$2,803,258
2004	\$ 252,034	\$ 32,351	\$ 87,177	31	\$ 759,150	\$ 68,486	\$2,347,184
2005	\$ 253,728	\$ 53,390	\$ 31,018	7	\$ 195,025	\$ 37,885	\$2,452,410
2006	\$ 255,894	\$ 110,597	\$ 87,217	17	\$ 234,848	\$ 44,375	\$2,626,895
2007	\$ 288,725	\$ 148,689	\$ 73,744	2	\$ 135,417	\$ 52,996	\$2,949,637
2008	\$ 320,403	\$ 147,062	\$ 135,226	9	\$ 168,905	\$ 63,134	\$3,320,289
2009	\$ 49,419	\$ 90,905	\$ 128,285	15	\$ 120,656	\$ 47,736	\$3,420,506
2010 thru 5/31	\$ 15,315	\$ 27,028	\$ 65,338	3	\$ 302,500	\$ 33,907	\$3,191,780

# Minnesota Client Security Board Members 1987-2010

## BOARD MEMBERS

*Kathleen Clarke Anderson	Minneapolis	2010-2011
*Sister Mary Madonna Ashton	St. Paul	1992-1998
Bailey W. Blethen	Mankato	1991-1997
Daniel L. Bowles	Edina	1994-2000
*Sandra Brown	Minnetonka	1990-1996
Kim Buechel Mesun	St. Paul	1993-1999
Kenneth D. Butler	Duluth	2008-2011
Richard I. Diamond	Minnetonka	1997-2003
Gary G. Fuchs	Eagan	2002-2008
Gilbert W. Harries	Duluth	1987-1991
*Sheldyn M. Himle	Minneapolis	2008-2010
*Jean L. King	St. Paul	1987-1992
Timothy J. Kuntz	South St. Paul	1996-2002
Earle F. Kyle IV	Minneapolis	1993-1996
Robert T. Lund	Bloomington	2003-2009
Richard A. Nethercut	Harmony	2006-2012
*Beverly K. McKinnell	St. Paul	1996-2002
Timothy M. O'Brien	Minneapolis	2007-2010
Melvin I. Orenstein	Minneapolis	1987-1993
*Constance S. Otis	St. Paul	1987-1990
Paul C. Peterson	Minneapolis	2009-2012
*Judith A. Pinke	Minneapolis	1998-2004
Michael T. Rengel	Fergus Falls	2001-2007
*Bonnie R. Russ	St. Paul	2004 -2010
Daniel L. Rust	Crookston	1995-2001
Warren R. Sagstuen	Minneapolis	2000
*Sally D. Sawyer	Minneapolis	2002-2008
Ronald B. Sieloff	St. Paul	1987-1994
Harriet J. Sims	Minneapolis	2005-2011
James B. Vessey	Minneapolis	1987-1993
Nancy L. Vollertsen	Rochester	1987-1995
John S. Watson	Minneapolis	2000-2006
Margaret L. Westin	Minneapolis	1999-2005

\*Public Members

### CSB Claims Paid by Attorney

Respondent	Number of Claims	Amount Paid	Disciplinary Action	City
Amdahl, Charles O.	2	\$10,000.00		Minneapolis
Anderson, Arne D.	4	\$4,950.00	Suspended	Duluth
Anderson, Harold W. E.	2	\$39,258.97	Disbarred	Grand Forks
Andrew, John M.	2	\$100,000.00	Disbarred	Shoreview
Barta, Loren M.	3	\$8,947.93	Suspended	Prior Lake
Batdorf, Richard K.	1	\$50,000.00	Disbarred	Minneapolis
Benson, John T.	1	\$50,000.00	Disbarred	St. Paul
Berg, James L.	8	\$73,529.03	Disbarred	Minneapolis
Bieter, Thomas	2	\$1,500.00	Disability/Inactive	Duluth
Brehmer, David L.	7	\$7,656.25	Disbarred	Bloomington
Brudvig, Thomas M.	4	\$3,374.00	Suspended	Roseville
Campbell, Dyan L.	5	\$2,953.53	Suspended	North St. Paul
Carpenter, Gregory A.	1	\$1,000.00	Suspended	Minneapolis
Chacon, Jeanne T.	1	\$700.00	Disbarred	Shakopee
Cohen, Sr., Edward M.	1	\$2,245.83	Disbarred	St. Louis Park
Coleman, Richard J.	1	\$1,000.00	Public Reprimand/Probation	West St. Paul
Crissey, Heidi	1	\$3,000.00	Suspended	Stillwater
Danna, Anthony A.	3	\$81,625.00	Disbarred	St. Paul
Davis, Daniel A.	3	\$44,486.66	Disbarred	Edina
Day, Richard G.	2	\$1,000.00	Suspended	Edina
DeRycke, Eric A. L.	1	\$2,000.00	Disbarred	Lake Benton
Douglas, Bruce C.	11	\$225,309.60	None	Edina
Dovolis, Helen A.	16	\$78,317.19	Disbarred	Minneapolis
Dygert, Robert W.	3	\$70,491.00	Disbarred	Minneapolis
Engwall, Gregory B.	6	\$474,262.18		Winthrop
Erickson, Bruce E.	2	\$1,995.00	Suspended	Winona
Feldman, John H.	2	\$12,954.00	Disbarred	Minneapolis
Flanagan, John J.	6	\$113,626.59	Disbarred	St. Paul

CSB Claims Paid by Attorney (Cont'd.)

Respondent	# of Claims	Amount Paid	Disciplinary Action	City
Flodine, Michael T.	1	\$3,000.00	Suspended	St. Paul
French, Rodney M.	6	\$4,062.50	Suspended	Minneapolis
Getty, Paris DonRay	5	\$24,278.00	Disbarred	St. Paul
Goldstein, Robert Mark	4	\$11,173.40	Disbarred	St. Paul
Gomsrud, Richard G.	1	\$700.00	Suspended	St. Paul
Graham, Timothy E.	3	\$6,257.98	Disbarred	Rochester
Gronbeck, David	1	\$500.00	Suspended	Minneapolis
Grzybek, John E.	1	\$750.00	Disbarred	St. Paul
Gurstel, Norman K.	33	\$147,270.05	Disbarred	Edina
Hanvik, James T.	1	\$264.00	Suspended	Minneapolis
Harp, Reynaud L.	2	\$3,702.00	Disbarred	St. Paul
Harris, Calandra Faye	1	\$600.00	Suspended	Maple Grove
Heikens, Steven G.	2	\$12,800.00	Suspended	Minneapolis
Heikkila, Neil D.	2	\$90,916.82	Disbarred	Hopkins
Hendricksen, Harald F.	2	\$17,875.00	Suspended	Annandale
Henke, David E.	1	\$1,000.00	Suspended	Spring Lake Park
Hollender, R. Fred	1	\$2,227.74	None	Minneapolis
Hoover, Michael J.	1	\$1,500.00	Disability/Inactive	Minneapolis
Hunter, James W.	5	\$21,900.00	Disbarred	Minneapolis
Isaacs, Clark F.	1	\$535.78	Disbarred	St. Paul
Jellinger, Richard	1	\$1,000.00	Disbarment (stayed) Suspended	Anoka
Johnson, Richard W.	2	\$9,362.00	Disbarred	Red Wing
Johnson, Ronald J.	1	\$7,196.71	Disbarred	Hopkins
Kadinger, George M.	2	\$1,500.00	Suspended	St. Paul
Karlsen, Bent	1	\$3,000.00	Suspended	Detroit Lakes
Kaszynski, William P.	1	\$550.00	Disbarred	St. Paul
Kinnunen, Steven J.	1	\$500.00	Suspended	Minneapolis
Klane, Murray R.	1	\$94,647.88	Disbarred	Minnetonka
LaChapelle, Arthur W.	2	\$18,400.00	Disbarred	St. Paul

CSB Claims Paid by Attorney (Cont'd.)

Respondent	# of Claims	Amount Paid	Disciplinary Action	City
Ladd, William L.	13	\$49,542.60	Disbarred	Minneapolis
Larsen, Dean D.	1	\$40,000.00	Disbarred	Eden Prairie
Leino, Stanley J.	6	\$9,921.06	Suspended	Scandia
Levenstein, Eli C.	1	\$368.00	Suspended	Minneapolis
Logan, Diana S.	3	\$560.00	Suspended	Minneapolis
Magadance, Pamela M.	1	\$585.00		St. Paul
Maresh, Thomas F.	1	\$6,500.00	Disbarred	Eden Prairie
Marshall, Gary L.	7	\$24,170.00	Disbarred	Hoffman
Martinez, Michael Lee	1	\$2,500.00	Suspended	St. Paul
McCarthy, Justin H.	2	\$58,679.24	Disbarred	St. Louis Park
McCormick, David L.	3	\$16,500.00	Suspended	Minneapolis
McGrath, F. Patrick	1	\$1,128.00	Suspended	St. Paul
McNabb, Gerald	13	\$147,866.06	Disbarred	St. Paul
Merlin, Carol Sue	1	\$500.00	Suspended	Minneapolis
Meshbesher, Richard M.	2	\$5,500.00	None	Minnetonka
Moe, Carlton E.	1	\$89,325.52	Disbarred	West St. Paul
Morgeson, Sr., Dennis John	8	\$547,922.67	Disability	Edina
Mortensen, William C.	2	\$7,764.00	Disability/Inactive	St. Louis Park
Mose, William G.	2	\$400.00	Suspended	Bloomington
Mulvahill, James P.	1	\$15,000.00	Disbarred	Wayzata
Murphy, Gerald W.	9	\$4,980.99	Disbarred	Duluth
Nelson, John A.	3	\$245,024.03	Disbarred	Willmar
Olsen, Lawrence E.	1	\$50,000.00	Disbarred	Bloomington
Orlins, Peter I.	11	\$419,843.39	Disbarred	Richfield
Ornstein, Mitchell R.	1	\$919.75	Suspended	Minneapolis
Ostfield, Benjamin J.	3	\$15,297.72	Disbarred	Minneapolis
Ostroot, Timothy V.	1	\$1,200.00	Disbarred	Champlin
Palm, Dennis Lee	2	\$4,080.00	Disability/Inactive	Little Canada
Pang, Gary Y.	3	\$6,323.00	Disbarred	Minneapolis
Pearson, Kenneth R.	2	\$39,000.00	Disbarred	Golden Valley

CSB Claims Paid by Attorney (Cont'd.)

Respondent	# of Claims	Amount Paid	Disciplinary Action	City
Pegg, J. C.	1	\$2,500.00	Reprimanded	Owatonna
Pierce, Brian T.	1	\$2,500.00	Disbarred	Lakefield
Pitzele, Mark D.	3	\$16,419.84	Disbarred	St. Louis Park
Ploetz, John W.	2	\$108,494.71	Disbarred	St. Paul
Plowman, George E.	4	\$81,144.77	Disbarred	Prior Lake
Polt, Thomas M.	3	\$17,082.02	Disbarred	Eyota
Pucel, Cherylyn T.	1	\$3,500.00	Suspended	Minneapolis
Pyles, David A.	1	\$16,450.00	Suspended	Bloomington
Ramler, George C.	1	\$1,500.00	Disbarred	Chanhausen
Randall, Michael H.	2	\$4,708.00	Disbarred	Brooklyn Center
Redburn, David Timothy	2	\$3,100.00	Suspended	Brooklyn Park
Rhodes, Bradley C.	2	\$1,850.00	Disbarred	Aitkin
Rhodes, Julia K. Satterlee	3	\$6,250.00	Suspended	Hopkins
Rondestvedt, Stephen J.	23	\$841,339.46	Disbarred	Minneapolis
Rothstein, Morry N.	3	\$7,500.00	Disbarred	Minneapolis
Ruttger III, Max J.	1	\$25,678.15	Disbarred	Brainerd
Samborski, Steve C.	23	\$231,829.50	Disbarred	Minnetonka
Sampson, Mark A.	20	\$404,742.04	Disbarred	Fridley
Schmitt, Martha G.	1	\$14,624.62	Suspended	Minneapolis
Scott, John O.	2	\$57,821.34	None	Perham
Seiler, Victor P.	1	\$2,810.77	None	Minneapolis
Sheffey, Ralph E.	1	\$5,000.00	Suspended	Rochester
Simonet, William B.	5	\$50,411.56	Disbarred	Stillwater
Simonson, Paul L.	1	\$2,360.23	Disbarred	Minneapolis
Singer, Michael G.	1	\$63,000.00	Suspended	Minneapolis
Skonnord, James T.	5	\$2,349.26	Suspended	St. Paul
Smith, Glenn L.	3	\$139,391.05	Disbarred	Edina
Soderberg, James W.	1	\$557.87	Suspended	Winona
Soronow, Steven F.	18	\$28,180.00	Suspended	Minneapolis
Soronow, Steven F. and Weber, Deborah A.	1	\$1,300		Minneapolis

CSB Claims Paid by Attorney (Cont'd.)

Respondent	# of Claims	Amount Paid	Disciplinary Action	City
Stockman, William L.	1	\$25,000.00	Disbarred	Duluth
Strid, Dennis W.	1	\$1,197.00	Suspended	Minneapolis
Sullivan, Kevin P.	1	\$200.00	Suspended	Elk River
Swerine, Brian A.	8	\$23,645.40	Disbarred	Brainerd
Thompson, Joel R.	2	\$6,160.00	Suspended	Detroit Lakes
Ulstad, Bjorn	1	\$2,500.00	None	St. Paul
Vaught, Samuel M.	2	\$85,685.71	Suspended	St. Paul
Verbrick, Michael D.	2	\$5,000.00	Disability	St. Paul
Vinitsky, Richard S.	2	\$20,000.00	Disability	St. Paul
Walker Jr., Samuel	5	\$19,945.00	Disbarred	St. Paul
Weems, Mark T.	7	\$70,901.64	Disbarred	Shoreview
Wheat, Donald A.	3	\$37,841.70	Disbarred	Eagan
Wheat, Donald A. (2)	1	\$68,299.67	Disbarred	Eagan
White, Thomas Joseph	2	\$13,400.00	Disbarred	Minneapolis
Wyant, Bruce P.			Disbarred	<i>see Morgeson</i>
Wylde, John R.	1	\$3,775.00	None	Minneapolis
<b>Total Respondents 133</b>	<b>468</b>	<b>\$6,292,990.96</b>		