CLERK OF APPELLATE COURTS
ATTORNEY REGISTRATION OFFICE
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155
(651) 296-2254

As requested, attached is the rule for resignation of attorneys and an example of a Petition to Resign and Proof of Service. You will need to submit an original and one copy of the petition to the Clerk of Appellate Courts at the above address. You must also simultaneously serve a copy of the petition on the Lawyers Professional Responsibility Board (LPRB), which is located Landmark Towers, Suite 1500, 345 St. Peter Street, St. Paul, MN 55102-1218. The petition must be notarized, as this saves the LPRB from having to contact each of the jurisdictions you are licensed in. Please send me the Proof of Service that indicates you served the petition on the LPRB.

The petition should include information on other bars you are admitted to and whether disciplinary action has been taken against you through those bars. The resignation process takes 4-6 weeks and you will be notified when the Supreme Court issues the order.

If you have any questions regarding the contents of the petition or the process, please contact the Lawyers Professional Responsibility Board at 651-296-3952.

Sincerely,

Attorney Registration

dismiss the petition or, if it finds that the Panel acted arbitrarily, capriciously, or unreasonably, remand the matter to the same or a different Panel, direct the filing of a petition for disciplinary action, or take any other action as the interest of justice may require.

(m) Respondent's Appeal to Supreme Court. The lawyer may appeal a Panel's affirmance of the Director's admonition or an admonition issued by a Panel by filing a notice of appeal and seven copies thereof with the Clerk of Appellate Courts and by serving a copy on the Director within 30 days after being notified of the Panel's action. The respondent shall be denominated by number or randomly selected initials in the proceeding. This Court may review the matter on the record or order such further proceedings as it deems appropriate. Upon conclusion of such proceedings, the Court may either affirm the decision or make such other disposition as it deems appropriate.

(n) Manner of Recording. The Director shall arrange for a court reporter to make a record of the proceedings as in civil cases.

(o) Panel Chair Authority. Requests or disputes arising under this Rule before the Panel hearing commences may be determined by the Panel Chair or Vice-Chair. For good cause shown, the Panel Chair or Vice-Chair may shorten or enlarge time periods for discovery under this Rule.

Adopted Nov. 1, 1976, eff. Jan. 1, 1977. Amended July 22, 1982; Oct. 22, 1984; June 18, 1986, eff. July 1, 1986; April 27, 1987, eff. July 1, 1987; Jan. 14, 1988; Sept. 14, 1988, eff. Jan. 1, 1989; Feb. 11, 1991, eff. March 1, 1991; Dec. 12, 1994; June 13, 1996, eff. June 13, 1996; June 24, 1996, eff. June 24, 1996; July 28, 1999, eff. Aug. 1, 1999.

Historical Notes

The order of the Minnesota Supreme Court dated December 12, 1994, provides in part that the amendments to the Rules on Lawyers Professional Responsibility and the Rules of Professional Conduct shall govern all lawyer disciplinary actions commenced on or after January 1, 1995.

RULE 10. DISPENSING WITH PANEL PROCEEDINGS

(a) Agreement of parties. The parties by written agreement may dispense with some or all procedures under Rule 9 before the Director files a petition under Rule 12.

(b) Admission. If the lawyer admits some or all charges, the Director may dispense with some or all procedures under Rule 9 and file a petition for disciplinary action together with the lawyer's admission. This Court may act thereon with or without any of the procedures under Rules 12, 13, or 14.

(c) Criminal conviction or guilty plea. If a lawyer pleads guilty to or is convicted of a felony under Minnesota statutes, a crime punishable by incarceration for more than one year under the laws of any other jurisdiction, or any lesser crime a necessary element of which involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, theft, or an attempt, conspiracy, or solicitation of another to commit such a crime, the Director may either submit the matter to a Panel or, with the approval of the Chair of the Board, file a petition under Rule 12.

(d) Other serious matters. In matters in which there are an attorney's admissions, civil findings, or apparently clear and convincing documentary evidence of an offense of a type for which the Court has suspended or disbarred lawyers in the past, such as misappropriation of funds, repeated non-filing of personal income tax returns, flagrant non-cooperation including failure to attend a pre-hearing meeting, fraud and the like, the Director may either submit the matter to a Panel or upon a motion made with notice to the attorney and approved by the Panel Chair, file the petition under Rule 12.

(e) Additional charges. If a petition under Rule 12 is pending before this Court, the Director must present the matter to the Panel Chair, or if the matter was not heard by a Panel, to the Board Chair, or Vice-Chair, for approval before amending the petition to include additional charges based upon conduct committed before or after the petition was filed.

(f) Discontinuing Panel proceedings. The Director may discontinue Panel proceedings for the matter to be disposed of under Rule 8(d)(1), (2) or (3).

Adopted Nov. 1, 1976, eff. Jan. 1, 1977. Amended July 22, 1982; June 18, 1986, eff. July 1, 1986; April 27, 1987, eff. July 1, 1987; Sept. 14, 1988, eff. Jan. 1, 1989; Feb. 11, 1991, eff. March 1, 1991.

RULE 11. RESIGNATION

This Court may at any time, with or without a hearing and with any conditions it may deem appropriate, grant or deny a lawyer's petition to resign from the bar. A lawyer's petition to resign from the bar shall be served upon the Director. The original petition with proof of service and one copy shall be filed with this Court. If the Director does not object to the petition, the Director shall promptly advise the Court. If the Director objects, the Director shall also advise the Court, but then submit the matter to a Panel, which shall conduct a hearing and make a recommendation to the Court. The recommendation shall be served upon the petitioner and filed with the Court.

Adopted Nov. 1, 1976, eff. Jan. 1, 1977. Amended Oct. 16, 1981; June 18, 1986, eff. July 1, 1986; April 27, 1987, eff. July 1, 1987; Sept. 14, 1988, eff. Jan. 1, 1989.

RULE 12. PETITION FOR DISCIPLINARY ACTION

(a) Petition. When so directed by a Panel or by this Court or when authorized under Rule 10 or this Rule, the Director shall file with this Court a petition for disciplinary action. An original and seven copies shall be filed. The petition shall set forth the unpro-

EXAMPLE

PETITION TO RESIGN

Comes now Petitioner, ., and submits this petition to resign membership in the Minnesota State Bar In support of the Petition, I allege the following.

1 I was admitted on October 17, 1989, License No I reside out of state at Illinois, and was issued a non-resident status My license was suspended on or about February 15, 2000, for non-payment of dues
2. I am admitted to the Bar of the Commonwealth of Virginia, license No
3 I am admitted to the Bar of the State of Illinois, license No
4 I have never had and to the best of my knowledge, I do not have any disciplinary actions pending in either the Commonwealth of Virginia or the State of Illinois
5. I am not involved in any legal proceedings pending in the State of Minnesota

For these reasons, I respectfully request permission to resign from the Minnesota Bar

Respectfully submitted,

January 22, 2001

CC: Lawyers Professional Responsibility Board

E X A M P L E

AFFIDAVIT OF SERVICE BY U.S. MAIL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

The undersigned, being duly sworn, says that on the ____day of _____, 200__, he served the attached Petition for Resignation from the Minnesota State Bar upon the following named:

Director
Lawyers Professional Responsibility Board
Landmark Towers, Suite 1500
345 St. Peter Street
St. Paul MN 55102-1218

by placing a true and correct copy thereof in an envelope addressed as above, the last known address of said Board, with postage prepaid, and depositing the same in the U.S. Mail at St. Paul, Minnesota.

_____

Subscribed and sworn to before me
this _____ day of _____, 200__.

_____
Notary Public