

PROPOSED CHANGES IN MINNESOTA RULES ON LAWYERS PROFESSIONAL RESPONSIBILITY
RECOMMENDED BY LAWYERS PROFESSIONAL RESPONSIBILITY BOARD ON JULY 23, 1976

1. Add the following as Rule 6(c):

(c) Attorney General. The Director shall notify the Attorney General of each complaint made to him or reported to him by a District Chairman. The Director shall inform each complainant that if he is not satisfied with the disposition made by the Director, he may take his complaint to the Attorney General. The Director may allow the Attorney General access to files, records, and proceedings of the District Committees, the Board, and the Director, subject to the Attorney General's agreement to keep them confidential as provided in Rule 20. Upon petition by the Attorney General, a Panel may make any disposition specified in Rule 9(e). Upon appeal by the Attorney General, this Court may direct the Panel to make any disposition specified in Rule 9(e) or may take any other action as the interests of justice may require.

[COMMENT: This corresponds to Laws 1976, ch. 304, § 4. The first sentence specifies "District Chairman" because under Rule 6(b) it is he who notifies the Director of a complaint's pendency. The second sentence refers to disposition by the Director; under Rule 7(b) the District Committee does not make a disposition, but only a report. The third sentence makes possible the avoidance of uneconomical duplication of investigation. The fourth and fifth sentences do not specify the Attorney General's actions, but rather how a Panel or the Court may respond thereto. The fifth sentence's concluding language is from Minn. R. Civ. App. P. 203.04(2).]

2. Change Rule 21 to provide:

RULE 21. PRIVILEGE. A complaint or charge, or statement relating to a complaint or charge, of a lawyer's alleged unprofessional conduct, to the extent that it is made in proceedings under these Rules, including proceedings under Rule 6(c), or to the Director or a person employed thereby or to a District Committee, the Board or this Court, or any member thereof, is absolutely privileged and may not serve as a basis for liability in any civil lawsuit brought against the person who made the complaint, charge, or statement.