

STATE OF MINNESOTA

IN SUPREME COURT

O R D E R

Under Section 5697 G. S. Minnesota, 1923, which was adopted by the Legislature in 1921, it is provided that complaints charging misconduct against lawyers shall be filed with the Clerk of the Supreme Court and the Court is directed to appoint some person to make investigation of such complaints. By rule of the Supreme Court adopted May 20, 1921, it is provided that such complaints so filed with the Clerk shall be transmitted to the State Board of Law Examiners and it is made the duty of the Board to make investigation thereof.

Under this statute and this rule numerous complaints against lawyers were filed with the Clerk of Supreme Court and thereby official record was made of such complaints. A very large percentage of the complaints made charging lawyers with misconduct are wholly without foundation. The court recognizing this fact issued on March 24, 1927 its order directing that the clerk upon receiving complaints should forward the same to the Secretary of the State Board of Law Examiners, keeping a carbon copy of the letter of transmission without making any other record in her office of such complaint. It was further directed that the clerk in any certificates as to good standing of attorneys should ignore such informal accusations and consider only complaints under which a formal accusation had been filed in the office of the clerk of Supreme Court by the State Board of Law Examiners or by a Bar Association and upon which accusations an order of the court had been signed requiring the accused to make answer thereto.

Prior to March 24, 1927, in accordance with the established practice at that time, informal complaints were filed with the clerk of this court and noted upon the card index of attorneys kept by the clerk. It is unfortunate that the record of any lawyer should receive the odium of an official record of a complaint which has no foundation in fact.

Because of all of the facts hereinbefore stated,

IT IS NOW ORDERED that the clerk of this court expunge from the card index of attorneys kept in her office in the following cases all reference to the complaints set opposite their names, and in which the proceedings have heretofore been dismissed by this court, by destroying the present file cards and substituting in their places new ones.

Name	File No.	Complaint filed	Proceedings dismissed.
➤ Alexander Fosmark	23845	10/6/23	10/31/32
➤ Frank Haskell	25108	9/3/25	10/31/32
➤ William J. Horrigan	25966	11/22/26	3/28/32
➤ Jorgie A. Lee	24181	4/29/24	11/2/32
➤ Charles A. Lindquist	26198	3/14/27	3/28/32
➤ Frank L. Morrison	25076	8/24/25	11/2/32
➤ Geo. Nordlin	25732	6/28/26	11/2/32
➤ Harvey H. Palmer	24965	6/26/25	11/4/32
➤ Evan Hugo Peterson	23883	10/27/23	11/4/32
➤ Joseph Kaminer	25357	1/4/26	4/12/26
➤ Victor Muller Peterson	25357	<del>1/4/26</del>	<del>4/12/26</del>
➤ Daniel E. Richter	25310	12/4/25	3/28/32
➤ Ell M. Rosenstein	24607	12/9/24	11/2/32
➤ Ell M. Roston	24607	12/9/24	11/2/32
➤ Harrison B. Sherwood	24608	12/9/24	11/4/32
➤ Lucius A. Smith	24013	1/28/24	12/27/24
➤ John E. Stevens	25504	3/13/26	3/28/32

Harry S. Swenson	24025	2/8/26	12/27/26
Gerald A. Walsh	25711	6/14/26	3/28/32
Theo. F. Wendland	25306-7-8	12/4/25	3/28/32
Carl C. Wheaton	24951	6/6/25	11/4/32
Frank J. Zima	24956	6/23/25	3/28/32

Dated April 11, 1934.

BY THE COURT

*John P. Devaney*  
 John P. Devaney  
 Chief Justice.

Filed Apr. 21, 1934

Grace K. Archibald, Clerk.

Entered on the Minutes.

State Board of Law Examiners  
Minnesota

December 21 1933

Honorable John P. Devaney  
Chief Justice of Supreme Court  
State Capitol  
St. Paul, Minnesota

Dear Judge Devaney:

Under Section 5697, General Statutes, Minnesota, 1923, which was adopted by the Legislature in 1921, it is provided that complaints charging misconduct against lawyers shall be filed with the Clerk of Supreme Court, and the Court is directed to appoint some person to make investigation of such complaints. By rule of the Supreme Court adopted May 20, 1921, it is provided that such complaints so filed with the Clerk shall be transmitted to this Board, and it is made the duty of the Board to make investigation thereof.

Under this statute and this rule, numerous complaints against lawyers were filed with the Clerk of Supreme Court and thereby official record was made of such complaints. A very large percentage of the complaints made charging lawyers with misconduct are wholly without foundation. It seems unfortunate that the record of any lawyer should receive the odium of the official record of a complaint which has no foundation in fact.

The Court, recognizing this fact, issued on March 24, 1927, its Order directing that the Clerk, upon receiving complaints, should forward the same to the Secretary of this Board, keeping a carbon copy of the letter of transmission, without making any other record in her office of such complaint. It was further directed that the Clerk, in any certificates as to good standing of attorneys, should ignore such informal accusations and consider only complaints under which a formal accusation had been filed in the Clerk's Office by this Board, or by a Bar Association, and upon which accusations an Order of the Court had been signed requiring the accused to make answer thereto.

Since the latter Order numerous complaints have been received by the Clerk, by this office, and by the Grievance Committees of the various Bar Associations, all of which are ignored when the question of a certificate arises, except such formal accusations as are described in the latter Order. It would seem only fair that records of informal complaints made prior to the 1927 Order should be expunged from the records in the Clerk's Office.

Very truly yours

STATE BOARD OF LAW EXAMINERS

By Oscar G. Haugland  
Secretary