

STATE OF MINNESOTA

IN SUPREME COURT

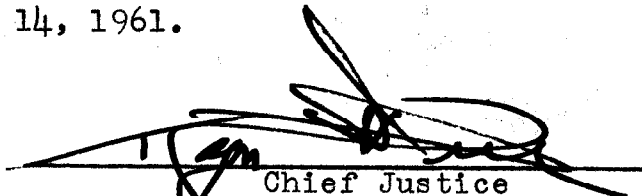
IT IS HEREBY ORDERED that the following rules for investigating complaints involving professional conduct of attorneys and for conducting disciplinary proceedings and proceedings upon application for reinstatement after suspension or disbarment of an attorney be, and the same hereby are, prescribed and adopted to become effective forthwith in lieu of rules heretofore promulgated, all of which are hereby repealed.

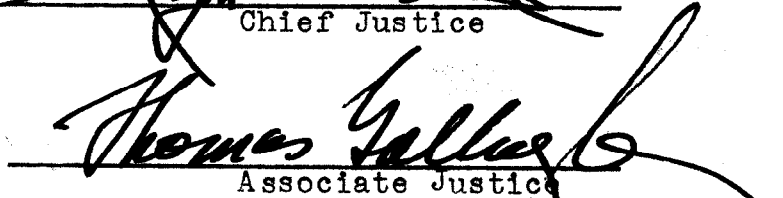
Dated November 14, 1961.

SUPREME COURT
FILED

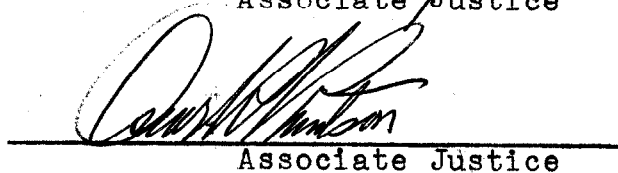
NOV 14 1961

MAE SHERMAN
CLERK


Chief Justice


Associate Justice


Associate Justice


Associate Justice


Associate Justice


Associate Justice


Associate Justice

It is of primary importance to the members of the Bar and to the public that complaints involving alleged unprofessional conduct of attorneys be promptly investigated and disposed of, and that disciplinary proceedings be brought in those cases where investigation discloses it is warranted. Such investigations and proceedings shall be had under the supervision of the State Board of Law Examiners with the assistance of the Minnesota State Bar Association and the District Bar Associations of the State which are affiliated with the Minnesota State Bar Association, under the provisions of this Rule of the Supreme Court as hereinafter provided. To carry out this Rule, it is the desire of the Supreme Court that the Minnesota State Bar Association request each District Bar Association to appoint an Ethics Committee of not less than five (5) attorneys at law then resident in each district; and that the State Bar Association appoint a Practice of Law Committee; such Committees of the State and District Bar Associations to be appointed and function under their respective Constitutions and By-Laws. In the event a District Bar Association fails to establish such local ethics committee a committee of not less than five members of the bar of such district shall be appointed by this court to serve in place thereof.

All complaints of alleged unprofessional conduct of attorneys shall, in the first instance, be referred to the Ethics Committee of the applicable District Bar Association for investigation. If the Ethics Committee of the District Bar Association determines that the complaint is without merit, the complaint

may be disposed of by that Committee. If the Ethics Committee of the District Bar Association determines that the complaint should have further investigation or action, it shall refer the complaint, together with its file and recommendations, to the Practice of Law Committee of the State Bar Association. The Practice of Law Committee of the State Bar Association may conduct such further investigation as it deems the matter warrants. If the Practice of Law Committee of the State Bar Association then determines that the complaint is without merit, it may dispose of the complaint. If the Practice of Law Committee of the State Bar Association determines that the complaint warrants further investigation or action, it shall refer the complaint, together with its file and recommendations, to the State Board of Law Examiners. Thereafter the matter shall be under the supervision of the State Board of Law Examiners, which Board may conduct such further investigation as it deems necessary, under such rules as it may, from time to time, promulgate.

Any complainant dissatisfied with the disposition of a complaint by the District Ethics Committee or the State Practice of Law Committee may appeal to the State Board of Law Examiners.

The Board of Law Examiners, acting through its members or its duly constituted representative, is authorized and empowered to present to this court any order to show cause, petition, and accusation, or other pleading charging a member of the bar of Minnesota with unprofessional conduct in a case where, in its opinion and based upon the exercise of its discretion, disciplinary proceedings are warranted, and if this court authorized disciplinary proceedings in a particular case, thereafter to prosecute and proceed with the handling of the same with diligence and in such manner as it deems proper.

For the purposes of the investigating, handling, and prosecuting complaints in disciplinary matters, including petitions for reinstatement, the State Board of Law Examiners is authorized and empowered to employ such persons as it may, from time to time, deem necessary at a per diem rate of pay which it may, after consultation with this court, fix as a fair compensation for the services so rendered. All payment of such services shall be made upon vouchers approved by this court from its funds now or hereafter to be deposited to its credit with the State of Minnesota or elsewhere. Other miscellaneous and necessary expenses of the Board of Law Examiners incurred from time to time and certified to this court as having been so incurred, while engaged in the matters herein provided, shall be paid in like manner.

When a member of the bar of this state is charged with misconduct and a verified accusation and petition praying that he be disciplined is submitted to this court, and an order is filed directing respondent to answer, such order and accusation shall be served upon respondent in the same manner as a summons in a civil action is served under the rules of this court. If such respondent have a resident guardian duly appointed for such person, service shall be made upon such guardian in like manner. Respondent shall, after service upon him, have twenty days, exclusive of the day of service, in which to comply with the order of the court.

If respondent cannot be found in the State of Minnesota and his place of residence is unknown, and the sheriff of the county in which respondent last resided or practiced law makes a return to that effect, the Board of Law Examiners, or its representative, shall file in this court an affidavit setting

forth such facts. After the lapse of thirty days the board may apply to this court for an order suspending respondent from the practice of law. A copy of such order, when made and filed, shall be mailed to each judge of the district court in this state. Within a reasonable time thereafter respondent may petition this court for a vacation of such order of suspension and for leave to answer the accusation made against him.

After service of the petition and order as herein provided, respondent shall file in duplicate in this court a verified answer either denying or admitting the accusations contained in the petition as well as any defense that he may have thereto or in mitigation of discipline.

If respondent fails to file such answer within the time herein provided or such extension of time as maybe granted by this court, he shall be held to be in default and an order of discipline entered upon the assumption that he is guilty as charged.

Upon filing of an answer denying the accusation in the petition or setting up matters in defense thereof, this court may appoint a judge of a district court of this state or a former judge of the district court or former justice of the supreme court as referee with directions to hear and report the evidence submitted for or against the accusations contained in such petition and answer. The referee shall have a court reporter make a stenographic report of all testimony given and all proceedings had before him as in civil cases. The reporter shall be paid his necessary expense, but no compensation except as hereinafter provided. Upon request of any person interested and payment or tender of his fees therefor, the reporter shall furnish a transcript of such record as in civil cases and shall be paid therefor the fee provided by law. The transcript of

testimony shall be made upon paper 9 inches long and 7 inches wide to conform to the size of printed records and briefs in this court. It shall be the duty of the person ordering the transcript to see that the court reporter complies with this rule.

The referee shall make findings of fact, and conclusions and recommendations when so requested by this court, which shall be conclusive, unless a case shall be settled in accordance with and within the time limited by the provisions of the statutes and rules of this court pertaining to civil actions. The parties proposing such settled case shall first obtain and pay for a transcript of the testimony or the relevant portions thereof, and deliver the original to the referee and a copy to the adverse party.

After a settled case and the findings of fact, conclusions, and recommendations when requested are filed, the matter shall be heard by this court upon the record, oral arguments, and such printed briefs as the parties desire to file. On oral argument petitioner shall be entitled to 45 minutes and respondent 30 minutes.

REINSTATEMENT OF ATTORNEYS SUSPENDED OR DISBARRED.

All petitions for reinstatement to practice law of attorneys suspended or disbarred shall be served upon the Board of Law Examiners, the president of the district bar association of the district in which the respondent resides, and the president of the State Bar Association. The original petition, with proof of service, and one copy, shall then be filed with the clerk of this court. Objections to the petition, if any, shall be served upon respondent and filed with the clerk of this court within forty days after service of the petition.

Upon the filing of a petition for reinstatement by an attorney and expiration of the time for filing objections thereto, as herein provided, the State Board of Law Examiners shall investigate the matter and make report to this court of its conclusions as to the desirability of readmitting such attorney to practice law. There shall be a hearing before this court on every petition for the reinstatement of a lawyer unless such hearing is waived by the Board of Law Examiners. Upon the filing of a verified petition for reinstatement of an attorney suspended or disbarred, and after reference thereof to the Board of Law Examiners and report by it to this court, as herein provided, the court will determine whether a reference should be had. In the event of a reference, the same procedure shall be followed as in disciplinary proceedings.