

STATE OF MINNESOTA

IN SUPREME COURT

IT IS HEREBY ORDERED that Rule 1. of the RULES OF THE SUPREME COURT FOR DISCIPLINE AND REINSTATEMENT OF ATTORNEYS, adopted November 14, 1961, as amended, is amended to read:

RULE I. DISCIPLINE OF ATTORNEYS

"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 Committee on Professional Responsibility and Discipline; 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.

Except as hereinafter provided 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 Committee on Professional Responsibility and Discipline of the State Bar Association. The Committee on Professional Responsibility and Discipline of the State Bar Association may conduct such further investigation as it deems the matter warrants. If the Committee on Professional Responsibility and Discipline of the State Bar Association then determines that the complaint is without merit, it may dispose of the complaint. If the Committee on Professional Responsibility and Discipline 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 Committee on Professional Responsibility and Discipline 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.

Whenever an attorney is convicted of a felony under Minnesota Statutes the Board of Law Examiners shall forthwith submit to the court a petition for his suspension from the practice of law. Upon a plea of guilty to the commission of such felony, or upon a final affirmance of a conviction of such felony, or expiration of the time for appeal, the Board shall forthwith institute proceedings for disbarment in accordance with these rules.

Upon final conviction of a felony under Federal Law or the laws of any other state the Board of Law Examiners shall proceed as otherwise provided in these rules.

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 may be 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.

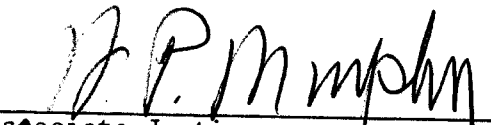
After a settled case and the findings of fact, conclusions, and recommendations when requested are filed, the matter shall be heard by this court upon the record, oral arguments, and such printed briefs as the parties desire to file. On oral argument petitioner shall be entitled to 45 minutes and respondent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

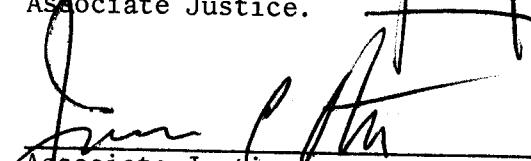
Dated October 23, 1969

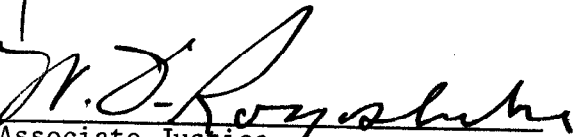
SUPREME COURT OF THE STATE OF MINNESOTA

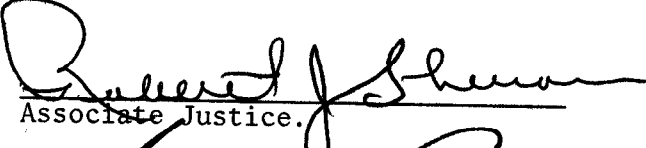

Chief Justice.

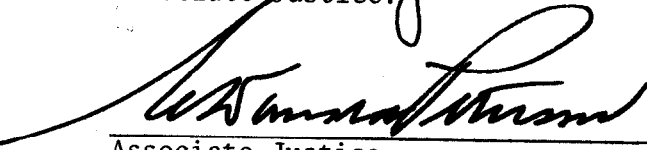

Associate Justice.


Associate Justice.


Associate Justice.


Associate Justice.


Associate Justice.


Associate Justice.

SUPREME COURT
FILED

NOV 4 1969

JOHN McCARTHY
CLERK