

STATE OF MINNESOTA
IN SUPREME COURT

In re Petition for permission to examine files, records, and proceedings in connection with a Study of the Operation of the Lawyers Professional Responsibility Board.

PETITION

TO: The Supreme Court of the State of Minnesota:

The Lawyers Professional Responsibility Board ("Board") and William Mitchell College of Law, 875 Summit Avenue, St. Paul, Minnesota, 55105, a law school approved by the American Bar Association ("Law School"), petition this Court to direct the District Ethics Committees, the Board and the Administrative Director of the Board to grant to the Law School, under the following conditions, access to the files, records and proceedings which are confidential pursuant to Rule 20 of the Rules on Lawyers Professional Responsibility.

The Law School will appoint a full-time faculty member ("Project Director") to study the operation of the Board. The Law School will employ one or more law students to assist the Project Director in the study.

The study will examine the function of the Board, the standards governing the processing of complaints, and the Board's relationships to the legal profession and to the public. The data which will be extracted from the files include: the manner in which complaints are made, the characteristics of lawyers complained about (including geographical location, age, length of time in practice, nature of practice, etc.) and their responses to the complaints, the types of legal situations and legal services involved, the types of unethical conduct alleged, the method of response to complaints, and the final disposition of complaints.

It is necessary to accomplish the purposes of the study that the Project Director and his Research Assistant have access to all present and past matters coming to the attention of the Board and District Ethics Committees, including all complaints, responses and further correspondence and records, all hearings, trials, and other proceedings, and the records showing the outcome of each matter.

The results of the study will be useful to the Board and this Court in evaluating the effectiveness of present procedures and in considering possible improvements; to law schools in evaluating their approaches to teaching professional responsibility; and to the profession in evaluating the scope and nature of its activities in the professional responsibility area.

The results of the study and the data collected in connection with the study will be submitted to the Board and will be published in one or more reports or articles. Names and other specific information which could reasonably be used to identify the individuals involved will remain confidential and will not be disclosed unless the name or information is already a matter of public record. Any proposed publication will be submitted to the Administrative Director to determine whether it contains any confidential names or identifying specific information not already a matter of public record. If the Administrative Director discovers any such names or specific information they will be removed before publication. The conclusions derived from the data will be the sole responsibility of the Project Director and will not be attributed to the Board or to this Court. The Law School will not contact any complainant or respondent in connection with the study.

Accordingly, petitioners pray that an Order be issued directing ~~all District Ethics Committees, the Lawyers Professional~~ Responsibility Board and the Administrative Director of the Board to grant to the Project Director and his employees for the purposes and under the condition set forth in this Petition access to all files, records, and proceedings confidential under Rule 20 of the Rules of Lawyers Professional Responsibility.

DATED: October 5, 1978

Respectfully submitted,
LAWYERS PROFESSIONAL RESPONSIBILITY
BOARD, and

WILLIAM MITCHELL COLLEGE OF LAW,

Petitioners

By: Ernest S. Magner

Chairman, Lawyers Professional
Responsibility Board

Bruce W. Burton

Dean, William Mitchell College of Law

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PROPOSED
ORDER

WHEREAS a petition has been filed by the Lawyers Professional Responsibility Board ("Board") and the William Mitchell College of Law, a law school approved by the American Bar Association ("Law School") asking this court to direct the District Ethics Committees, the Board, and the Board's Administrative Director to grant to the Law School access to files, records, and proceedings which are confidential pursuant to Rule 20 of the Rules on Lawyers Professional Responsibility;

WHEREAS it is necessary to grant that access in order to make a study of the operation of the Lawyers Professional Responsibility Board;

WHEREAS it is in the interest of the public and the bar that the proposed study be made,

IT IS HEREBY ORDERED AND DIRECTED:

1. ~~Each of the District Ethics Committees, the Lawyers~~ Professional Responsibility Board and the Administrative Director are directed to grant access to the files, records and proceedings confidential pursuant to Rule 20 of the Rules on Lawyers Professional Responsibility, and similar files and records from the period before the present rule became effective, to the Project Director appointed by William Mitchell College of Law and his research assistants for the purpose of the study on the following conditions.

2. The Law School, the Project Director, and his research assistants are ordered to keep strictly confidential all names and other specific information concerning individuals disclosed by the files, records, and proceedings examined in the course of the study which could reasonably be used to identify the individuals involved and not to disclose by any report or otherwise names or identifying information not already a matter of public record. Before the publication of any report containing any specific data obtained from the files, records, and proceedings, the report will be submitted to the Board's Administrative Director for the purpose of determining whether the report contains any confidential names or identifying information not already a matter of public record. The

Administrative Director will, within a reasonable length of time after the submission, notify the Project Director if any confidential names or identifying information is disclosed, in which case the names or information shall be removed before publication. The conclusions derived from the data will be the sole responsibility of the Project Director and will not be attributed to the Board, the Administrative Director of this Court.

3. The Project Director will not contact any complainant or respondent in connection with the study.

DATED: _____, 1978

BY THE COURT

Chief Justice