

STATE OF MINNESOTA

IN SUPREME COURT

Amendments to Minnesota Rules on
Lawyers Professional Responsibility

PETITION

The Lawyers Professional Responsibility Board hereby petitions the Court:

To adopt the following amendments to Rules 19 and 21, Rules on Lawyers Professional Responsibility, and the following new Rule 24:

"RULE 19. EFFECT OF PREVIOUS PROCEEDINGS

(a) Criminal conviction. A lawyer's criminal conviction in any jurisdiction, even if upon a plea of nolo contendere or subject to appellate review, is, in proceedings under these Rules, conclusive evidence that he committed the conduct for which he was convicted.

(b) Disciplinary proceedings.

(1) Conduct previously considered. Proceedings under these Rules may be based upon conduct considered in previous lawyer disciplinary proceedings of any jurisdiction, even if it was determined in the previous proceedings that discipline was not warranted or that the proceedings should be discontinued after the lawyer's compliance with conditions.

(2) Previous finding. A finding by a Panel or equivalent or by a court in the previous proceedings that a lawyer committed conduct warranting a warning, reprimand, probation, suspension, disbarment, or equivalent is, in proceedings under these Rules, prima facie evidence that he committed the conduct.

(3) Previous discipline disposition. The fact that the lawyer received a warning directed by a Panel or equivalent, reprimand, probation, suspension, disbarment, or equivalent in the previous proceedings is admissible in evidence in proceedings under these Rules.

(c) Stipulation. Unless the referee or this Court otherwise directs or the stipulation otherwise provides, a stipulation before a Panel remains in effect at subsequent proceedings regarding the same matter before the referee or this Court."

"RULE 21. PRIVILEGE; IMMUNITY

(a) 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.

(b) Immunity. Board members, District Committee members, the Director, and his staff, shall be immune from suit for any conduct in the course of their official duties."

"RULE 24. COSTS AND DISBURSEMENTS

(a) Costs. Unless this Court orders otherwise or specifies a higher amount, the prevailing party in any disciplinary proceeding decided by this Court shall recover costs in the amount of \$500.

(b) Disbursements. Unless otherwise ordered by this Court, the prevailing party in any disciplinary proceeding decided by this Court shall recover, in addition to the costs specified in subdivision (a), all disbursements necessarily incurred after the filing of a petition for disciplinary action under Rule 12. Recoverable disbursements in proceedings before a referee or this Court shall include those normally assessed in appellate proceedings in this Court together with those which are normally recoverable by the prevailing party in civil actions in the district courts.

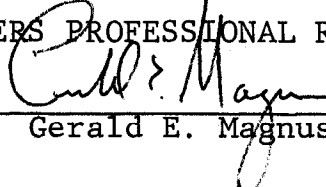
(c) Time and manner for taxation of costs and disbursements. The procedures and times governing the taxation of costs and disbursements and for making objection to same and for appealing from the clerk's taxation shall be as set forth in the Rules of Civil Appellate Procedure.

(d) Judgment for costs and disbursements. Costs and disbursements taxed under this Rule shall be inserted in the judgment of this Court in any disciplinary proceeding wherein suspension or disbarment is ordered. No suspended attorney shall be permitted to resume practice and no disbarred attorney may file a petition for reinstatement if the amount of the costs and disbursements taxed under this Rule has not been fully paid."

Respectfully submitted,

LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

By


Gerald E. Magnuson, Chairman

Dated: June 5, 1979.