

SUPREME COURT
FILED

MAY 30 1980

JOHN McCARTHY,
CLERK

STATE OF MINNESOTA
IN SUPREME COURT
FILE NO. 46994

Amendments to Minnesota Rules on
Lawyers Professional Responsibility.

ORDER

WHEREAS, it has been recommended by the Lawyers Professional Responsibility Board among others that this Court adopt the herein-after described amendments to the Minnesota Rules on Lawyers Professional Responsibility, and

WHEREAS, this Court has carefully considered the amendments and, after oral arguments, is fully advised of the implications thereof,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Effective immediately, Rules 19 and 21, of the Minnesota Rules on Lawyers Professional Responsibility, are amended to provide:

"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) Prior disciplinary proceedings. Information regarding prior discipline of a lawyer in previous lawyer disciplinary proceedings of any jurisdiction normally should not be divulged to a Panel or equivalent until after there has been a finding of misconduct in the present matter. Only after such a finding of misconduct does prior discipline become relevant and material in fashioning a sanction responsive to the subjective matter of the present proceeding:

- (1) It is prejudicial, except in unusual circumstances, to introduce evidence of prior discipline before a Panel or equivalent makes a finding of guilt in the present matter.
- (2) When necessary, evidence of prior discipline can be offered to prove the present charges or to impeach, but should not be used as a substitute for proving the allegations at issue.

(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."

2. Effective immediately, the following new Rule 24, of the Minnesota Rules on Lawyers Professional Responsibility, is hereby adopted and added to said Rules:

"RULE 24. COSTS AND DISBURSEMENTS

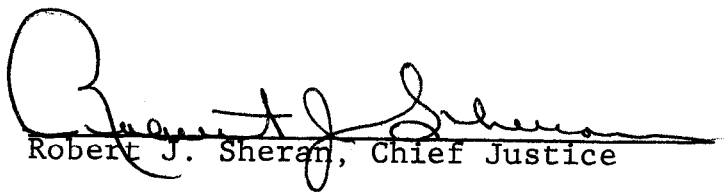
(a) Costs. Unless this Court orders otherwise or specifies a higher amount, the prevailing party in any disciplinary proceeding decided by this Court shall recover costs in the amount of \$500.

(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."

BY THE COURT:


Robert J. Sheran, Chief Justice

Dated: 5/29/80