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NO. A-8

STATE OF MINNESOTA  
IN SUPREME COURT

ORDER AMENDING MINNESOTA  
RULES ON LAWYERS PROFESSIONAL  
RESPONSIBILITY

WHEREAS, the Lawyers Professional Responsibility Board filed a petition requesting amendments to Rule 20, Rules on Lawyers Professional Responsibility;

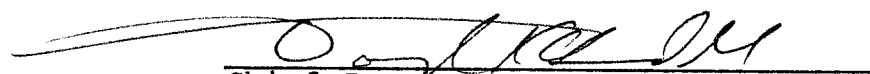
WHEREAS, the court has also considered amending Rule 15, Rules on Lawyers Professional Responsibility;

WHEREAS, the court has given due consideration to such amendments at a meeting on April 14, 1983;

IT IS HEREBY ORDERED that the attached amendments be and hereby are adopted.

DATED: April 26, 1983.

BY THE COURT

  
\_\_\_\_\_  
Chief Justice

**SUPREME COURT  
FILED**

**APR 26 1983**

**WAYNE TSCHIMPERLE  
CLERK**

AMENDMENTS TO RULES ON  
LAWYERS PROFESSIONAL RESPONSIBILITY

(ADOPTED AT COURT MEETING,  
April 14, 1983)

AMENDMENT TO RULE 15:

RULE 15. DISPOSITION; PROTECTION OF CLIENTS

(a) Disposition. Upon conclusion of the proceedings, this  
Court may:

- (1) Disbar the lawyer;
- (2) Suspend him indefinitely or for a stated period of  
time;
- (3) Order the lawyer to pay a fine, costs, or both.
- (4) Place him on a probationary status for a stated  
period, or until further order of this Court, with such  
conditions as this Court may specify and to be supervised by  
the Director;
- (5) Reprimand him;
- (6) Order the lawyer to successfully complete within a  
specified period such written examination as may be required  
of applicants for admission to the practice of law by the

State Board of Law Examiners on the subject of professional responsibility;

(7) ~~(6)~~ Make such other disposition as this Court deems appropriate; or

(8) ~~(7)~~ Dismiss the petition for disciplinary action.

(b) Protection of clients. When a lawyer is disciplined or permitted to resign, this Court may issue orders as may be appropriate for the protection of clients or other persons.

(c) Examination on professional responsibility. Every lawyer placed on a probationary status or reprimanded by this Court, pursuant to the foregoing provisions of Rule 15, shall be in a restricted status, subject to the limitations upon his activities imposed on lawyers in that status under the rules for Continuing Legal Education of members of the bar unless within six ~~(6)~~ months after his placement on a probationary status or the issuance of a reprimand by this Court, he shall have successfully completed such written examinations as may be required of applicants for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility.

AMENDMENT TO RULE 20:

RULE 20. CONFIDENTIALITY; EXPUNCTION

(a) General rule. The files, records, and proceedings of the District Committees, the Board, and the Director, as they may relate to or arise out of any complaint or charge of unprofessional conduct against or investigation of a lawyer, shall be deemed confidential and shall not be disclosed, except:

(1) As between the Committees, Board, and Director in furtherance of their duties;

(2) In proceedings before a referee or this Court under these Rules 10 through 18;

(3) As between the Director and a lawyer admission or disciplinary authority of another jurisdiction in which the lawyer affected is admitted to practice or seeks to practice;

(4) Upon request of the lawyer affected;

(5) Where permitted by this Court; or

(6) Where required or permitted by these Rules.

(b) Special matters. The following may be disclosed by the Director:

(1) The fact that a matter is or is not being

investigated or considered by the Committee, Director, or Panel;

(2) The fact that the Director has either determined that discipline is not warranted, or issued an admonition; including the fact, if applicable, that a warning was given under Rule 8(e)(2);

(3) The Panel's disposition under these Rules; Rule 9(d) or (e);

(4) The Director's determination under Rule 17(a); or The fact that stipulated probation has been approved under Rule 8(c)(3);

(5) The Panel's disposition upon a matter submitted to it under Rule 17(b);

(c) Referee or Court proceedings. Except as ordered by the referee or this Court, the files, records, and proceedings before a referee or this Court under these Rules 10 through 18 are not confidential.

(d) Expunction of Records. The Director shall expunge records relating to dismissed complaints as follows:

(1) All records or other evidence of the existence of a dismissed complaint shall be destroyed five years after the dismissal, except that the Director shall keep a docket showing the names of each respondent and complainant, the final disposition, and the date all records relating to the matter were expunged;

(2) Effect of expunction. After a file has been expunged, any Director response to an inquiry requiring a reference to the matter shall state that it was dismissed and that any other record the Director may have had of such matter has been expunged. The respondent may answer any inquiry requiring a reference to an expunged matter by stating that the complaint was dismissed and thereafter expunged.

(3) Retention of records. Upon application to a Panel by the Director, for good cause shown and with notice to the respondent and opportunity to be heard, records which should otherwise be expunged under this rule may be retained for

such additional time not exceeding five years as the Panel  
deems appropriate. The Director may, for good cause shown  
and with notice to the respondent and opportunity to be  
heard, seek a further extension of the period for which  
retention of the records is authorized whenever a previous  
application has been granted for the maximum period (five  
years) permitted hereunder.

DIRECTOR OF  
LAWYERS PROFESSIONAL RESPONSIBILITY

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April 22, 1983

PERSONAL AND CONFIDENTIAL

Honorable John J. Todd  
Associate Justice  
Minnesota Supreme Court  
St. Paul, MN 55155

Re: Amendments to Minnesota Rules on Lawyers Professional  
Responsibility.

Dear Judge Todd:

As you have requested, I am enclosing a proposed order adopting  
the amendments to Rules 15 and 20 of the Minnesota Rules on  
Lawyers Professional Responsibility considered by the court at its  
April 14, 1983, court meeting. If anything further is required,  
please let me know.

Very truly yours,



Michael J. Hoover  
Director

MJH/cjs  
Enclosure

J J T -

signed & reviewed document.

OXA