

STATE OF MINNESOTA

IN SUPREME COURT

C1-84-2140

In re Amendment to Minnesota Rules  
on Lawyers Professional Responsibility

**ORDER**

WHEREAS, this court by order dated the 7th day of April, 1987, has approved rules for the operation of the Client Security Board, and

WHEREAS, this court has determined that the staff services to the Client Security Board shall be provided by the Lawyers Professional Responsibility Board, and

WHEREAS, Rule 20(a) and Rule 5 of the Lawyers Professional Responsibility Board need to be amended to authorize that board to provide said staff services, and

WHEREAS, the Director of the Lawyers Professional Responsibility Board has submitted proposed amendments to this court to amend the aforesaid rules, and

WHEREAS, this court has given due consideration to such suggested amendments at a meeting of this court on May 14, 1987,

NOW, THEREFORE, IT IS HEREBY ORDERED that Rule 20(a) and Rule 5 of the Rules of the Lawyers Professional Responsibility Board with amendments (said amendments herein underlined) are hereby adopted effective July 1, 1987.

**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;
- (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, the file maintained by the Director shall be produced including any district committee report; however, the Director's work product shall not be required to be produced, nor shall the Director or Director's staff be subject to deposition or compelled testimony, except upon a showing to the court issuing the subpoena of extraordinary circumstance and compelling need. In any event, the mental impressions, conclusions, opinions and legal theories of the Director and Director's staff shall remain protected.
- (5) Where permitted by this Court; or
- (6) Where required or permitted by these Rules.
- (7) Nothing in this rule shall be construed to require the disclosure of the mental processes or communications of the Committee or Board members made in furtherance of their duties.
- (8) As between the Director and the Client Security Board in furtherance of their duties to investigate and consider claims of client loss allegedly caused by the intentional dishonesty of a lawyer.

#### RULE 5. DIRECTOR

(a) Appointment. The Director shall be appointed by and serve at the pleasure of this Court, and shall be paid such salary as this Court shall fix. The Board shall review the performance of the Director every 2 years or at such times as this Court directs and the Board shall make recommendations to this Court concerning the continuing service of the Director.

(b) Duties. The Director shall be responsible and accountable directly to the Board and through the Board to this Court for the proper administration of the Office of Lawyers Professional Responsibility and these Rules. The Director shall prepare and

submit to the Board an annual report covering the operation of the Office of Lawyers Professional Responsibility and shall make such other reports to the Board as the Board or this Court through the Board may order.

(c) Employees. The Director when authorized by the Board may employ, on behalf of this Court, persons at such compensation as the Board shall recommend and as this Court may approve.

(d) Client Security Board Services. Subject to the approval of the court, the Client Security Board and the Lawyers Board, the Director may provide staff investigative and other services to the Client Security Board. Compensation for such services may be paid by the Client Security Board to the Director's office upon such terms as are approved by the Lawyers Board and the Client Security Board. The Lawyers Board and the Client Security Board may also establish further terms for the provision by the Director of such services.

Dated: May 21, 1987.

BY THE COURT:

  
Douglas K. Amdahl, Chief Justice

OFFICE OF  
APPELLATE COURTS  
FILED

MAY 21 1987

WAYNE TSCHIMPERLE  
CLERK