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October 5, 1990

OFFICE OF
APPELLATE COURTS

OCT 05 1990

FILED

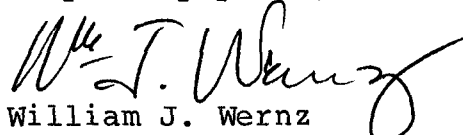
Office of Appellate Courts
25 Constitution Avenue
Room 245
St. Paul, MN 55155

Re: In Re Petition of the Lawyers Professional
Responsibility Board to Amend the Rules on
Lawyers Professional Responsibility.

Dear Clerk:

Enclosed are the original and nine copies of a petition to amend
the Rules on Lawyers Professional Responsibility.

Very truly yours,


William J. Wernz
Director

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Enclosures

cc: Justice Peter S. Popovich
Charles R. Kennedy

FILE NO. C1-84-2140

OFFICE OF
APPELLATE COURTS

STATE OF MINNESOTA

OCT 8 - 1990

IN SUPREME COURT

FILED

Petition of the Lawyers Professional
Responsibility Board to Amend the
Rules on Lawyers Professional
Responsibility.

PETITION

At its meetings on June 15 and September 14, 1990, the Lawyers Professional Responsibility Board considered several proposals for amendment to the Rules on Lawyers Professional Responsibility (RLPR). The Board now respectfully petitions the Court to amend the RLPR in several ways, as stated below.

The general reasons for proposing rule amendments include:

1. To codify certain rulings of the Court, as well as certain practices of the Board and Director's Office;
2. To increase the Board's dispositional and review authority over the Director's Office in certain limited classes of cases;
3. To respond to changes, and to address miscellaneous problems in the current rules; and
4. To change the terms "Chairman" and "Vice-Chairman" to "Chair" and "Vice-Chair," to make them gender-neutral.

The Director joins in the petition and requests the Court to correct two clerical errors made previously in Rules 10(c), (d) and (e), and 16(d).

For the reasons stated below, the Board requests the Court, after appropriate notice and hearing, to adopt the amendments to the RLPR stated below.

I. RULE 1. NOTICE TO REPRESENTED PERSON

a. Explanation of Need for Rule Change.

In re Graham, 453 N.W.2d 313 (Minn. 1990), included a claim by respondent John Remington Graham that the referee's sending a copy of the findings, conclusions and recommendation to respondent's counsel did not satisfy the requirement of Rule 14(e), RLPR, that the referee "notify the respondent." The Court rejected Graham's claim. This ruling could be codified by amendment to the rule defining the word "notify," as follows.

b. Proposed Rule Change.

RULE 1. DEFINITIONS

As used in these Rules:

(8) "Notify" means to give personal notice or to mail to the person at the person's last known address or the address maintained on this Court's attorney registration records, or to the person's attorney if the person is represented by counsel.

II. RULE 3. DISTRICT ETHICS COMMITTEES.

(a)(2) Composition.

a. Explanation of Need for Rule Change.

The increase in complaints has led to strains on the capacity of some of the district ethics committees, particularly in Hennepin County. The Hennepin Committee chairs believe that if the experienced investigators could remain committee members for longer periods, this would provide quality investigation and alleviate shortages. Accordingly, a rule amendment would be needed to effect this change.

b. Proposed Rule Change.

RULE 3(a)(2). DISTRICT ETHICS COMMITTEE

(a) Composition. Each District Committee shall consist of:

(2) Four or more persons whom the District Bar Association (or, upon failure thereof, this Court) may appoint to three-year terms except that shorter terms shall be used where necessary to assure that approximately one-third of all terms expire annually. No person may serve more than two consecutive three-year terms, nor more than a total of four three-year terms, in addition to any additional shorter term for which the person was originally appointed and any period served as District ~~Chairman~~ Chair. At least 20 percent of each District Committee's members shall be nonlawyers. Every effort shall be made to appoint lawyer members from the various areas of practice. The Board shall monitor District Committee compliance with this objective and the District Committee shall include information on compliance in its annual report to the Court.

III. RULE 6. COMPLAINTS.

(a) Investigation.

a. Explanation of Need for Rule Change.

The present rule provides for disqualification of investigators whenever a judge would be disqualified. A judge must disqualify himself or herself whenever the judge's impartiality might reasonably be questioned. Canon 3(c)(1), Code of Judicial Conduct. The Director's Office often does at least some investigation regarding a file, and then "prosecutes"; the Office also provides advisory opinions. The Office cannot

maintain a judicial distance from the subject of investigation. For example, as a result of the investigation and the interaction with the respondent, the investigator will often have "personal knowledge of disputed evidentiary facts." Canon 3(c)(1)(a). In a recent investigation, the respondent attempted to disqualify the Director's Office because an Assistant Director had given the respondent an advisory opinion concerning the respondent's contemplated conduct. The District Court denied the motion on jurisdictional grounds.

The Director's Office may have a conflict of interest warranting disqualification in certain cases. However, the standards for judicial recusal are overbroad and unworkable as applied to the Director's Office. The proposed rule change would disqualify members of the Director's Office only as to contacts with the respondent or subject matter that are outside the Office.

b. Proposed Rule Change.

RULE 6. COMPLAINTS

(a) Investigation. All complaints of lawyers' alleged unprofessional conduct or allegations of disability shall be investigated pursuant to these Rules. ~~No District Committee or Director's Office~~ investigator shall ~~be assigned to~~ investigate a matter in which disqualification would be required of a judge under Canon 3 of the Code of Judicial Conduct. No employee of the Office of Lawyers Professional Responsibility shall be assigned to a matter if the employee's activities outside the Office are such that a judge with similar activities would be disqualified under Canon 3 of the Code of Judicial Conduct.

IV. RULE 6. COMPLAINTS.

(b) Notification: Referral.

a. Explanation of Need for Rule Change.

The present language provides that when the Director refers a complaint to a district ethics committee for investigation, the complaint must be referred to the district where the lawyer's principal office is located. Sometimes a complaint may more appropriately be referred to a different district committee. For example, the same complaint may concern two lawyers in adjoining districts. Such a complaint could more efficiently be investigated by a single investigator in one of the districts. Another example is a case in which the respondent is a member of the district committee.

b. Proposed Rule Change.

RULE 6. COMPLAINTS.

(b) Notification; Referral. If a complaint of a lawyer's alleged unprofessional conduct is submitted to a District Committee, the District ~~Chairman~~ Chair promptly shall notify the Director of its pendency. If a complaint is submitted to the Director, it shall be referred for investigation to the District Committee of the district where the lawyer's principal office is located or in exceptional circumstances to such other District Committee as the Director reasonably selects, unless the Director determines to investigate it without referral or that discipline is not warranted.

V. RULE 8. DIRECTOR'S INVESTIGATION.

(d)(3) Stipulated Probation.

a. Explanation of Need for Rule Change.

For at least six years, stipulated probations have included as boilerplate a provision that the respondent attorney prospectively waive the right to a Panel probable cause hearing on any allegations of breach of probation or further misconduct. The decision whether to file a public petition is then left up to

the Director, after giving respondent an opportunity to be heard. A large number of petitions have been filed pursuant to such stipulations, without necessity of a Panel hearing. There are no instances of such petitions resulting in dismissal by the Court or claims of unfairness by the respondent attorney.

The existing practice has been effective, but is not embodied in the rules. To a certain extent the rules suggest other procedures. The amendment proposed below is designed to recognize the procedure which has evolved while retaining respondent's rights.

For clarity, the first sentence of Rule 8(d)(3)(ii) has been inserted in Rule 8(d)(3)(i).

b. Proposed Rule Change.

RULE 8. DIRECTOR'S INVESTIGATION

(d) Disposition.

(3) Stipulated Probation.

- (i) In any matter, with or without a complaint, if the Director concludes that a lawyer's conduct was unprofessional and that a private probation is appropriate, and the Board Chairman Chair or Vice-Chairman Chair approves, the Director and the lawyer may agree that the lawyer will be subject to private probation ~~proceedings-will-be-held-in-abeyance~~ for a specified period up to two years ~~and-thereafter-terminated~~, provided the lawyer throughout the period complies with specified reasonable conditions. At any time during the period, with the Board Chairman

Chair or Vice-Chairman Chair's approval, the Director and the lawyer may agree to modify the agreement or to one extension of it for a specified period up to two additional years. The Director shall maintain a permanent disciplinary record of all stipulated probations.

(ii) The Director shall notify the complainant, if any, and the Chairman Chair of the District Committee, if any, that has considered the complaint, of the agreement and any modification. The notification to the complainant, if any, shall inform the complainant of the right to appeal under subdivision (e). ~~The Director may reinstitute the underlying proceedings if the lawyer consents or a Panel determines that the lawyer has violated the conditions.~~

(iii) If it appears that the lawyer has violated the conditions of the probation, or engaged in further misconduct, the Director may either submit the matter to a Panel or upon a motion made with notice to the attorney and approved by a Panel Chair chosen in rotation, file a petition for

disciplinary action under Rule 12. A lawyer may, in the stipulation for probation, waive the right to such consideration by the Panel or Panel Chair.

(4) Submission to Panel. The Director shall submit the matter to a Panel under Rule 9 if:

(i) In any matter, with or without a complaint, the Director concludes that public discipline is warranted;

(ii) The lawyer makes a demand under subdivision (d)(2)(iii); or
~~(iii)-The-lawyer-consents-or-a-Panel-determines-that-the-lawyer-has-violated-conditions-under-subdivision-(d)(3);-~~
or

~~(iv)~~(iii) A reviewing Board member so directs upon an appeal under subdivision (e).

VI. RULE 8. DIRECTOR'S INVESTIGATION.

(d)(2) Admonition.

(e) Review by Lawyers Board.

a. Explanation of Need for Rule Change.

Board members reviewing complainant appeals of Director dispositions currently have very limited options--namely, to approve the Director's disposition, to direct further investigation or to determine, in effect, that public discipline is warranted, and instruct the Director to submit the matter to Panel on charges of unprofessional conduct. Two situations recently arose in which a Board member concluded that an admonition should be issued, as had the district ethics committee, but the Director instead dismissed the matters. The

recommended rule amendments would authorize the Board member to override the Director's determination in such situations.

The Board also considered whether Board members should have a still broader authority to instruct the Director to issue an admonition on any complainant appeal. The Committee concluded that giving such authority to a single Board member, even in situations in which the district committee and the Director both concluded that dismissal was appropriate, would be to vest too much authority in a single person. In situations in which the Director has issued a summary dismissal, the reviewing Board member has the option to direct investigation, normally by a district committee. The Committee shared the Director's concern that giving numerous reviewing Board members great discretion in complainant appeals would impair consistency in the discipline system. The Board concluded that the amendment would appropriately balance the concerns of consistency in the discipline process with enhancing the options available to the reviewing Board member. Complainants could also be assured that the appeal process had substance.

b. Proposed Rule Change.

(d) (2) Admonition. In any matter, with or without a complaint, if the Director concludes that a lawyer's conduct was unprofessional but of an isolated and nonserious nature, the Director may issue an admonition. The Director shall issue an admonition if so directed by a Board member reviewing a complainant appeal, under the circumstances identified in Rule 8(e).

(e) Review by Lawyers Board. If the complainant is not satisfied with the Director's disposition under Rule 8(d)(1), (2) or (3), the complainant may appeal the matter by notifying the Director in writing within fourteen days. The Director shall notify the lawyer of the appeal and assign the matter by rotation to a Board member, other than an Executive committee member, appointed by the Chairman Chair. The reviewing Board member may:

- (1) approve the Director's disposition; or
- (2) direct that further investigation be undertaken; or
- (3) if a district ethics committee recommended discipline, but the Director determined that discipline is not warranted, the Board member may instruct the Director to issue an admonition; or
- (4) in any case, if the Board member concludes that public discipline is warranted, the Board member may instruct the Director to issue charges of unprofessional conduct for submission to a Panel other than the Board member's own.

A summary dismissal by the Director under Rule 8(b) shall be final and may not be appealed to a Board member for review under this section.

VII. RULE 9. PANEL PROCEEDINGS.

(j) Disposition.

a. Explanation of Need for Rule Changes.

The Board was concerned that attorneys who engage in misconduct of a type that is nonserious, but who are charged with unprofessional conduct by the Director, now escape discipline altogether. To enhance Panel options and to correct the situation, the Board recommends the rule change below. The Board considered the concern that expanding Panel options might create more contested probable cause hearings, but concluded on balance that any such increase would be less adverse than the current situation in which some attorneys who deserve discipline are not disciplined. The Board also considered whether the Panel should have the authority to order private probation as a disposition, but concluded that situations warranting probation should presumptively result in public discipline.

b. Proposed Rule Change.

(j) Disposition. After the hearing, the Panel shall either:

(1) if the hearing was held on charges of unprofessional conduct

(i) determine that there is not probable cause to believe that public discipline is warranted; or

(ii) if it finds probable cause to believe that public discipline is warranted, instruct the Director to file in this Court a petition for disciplinary action. The Panel shall not make a recommendation as to the matter's ultimate disposition; or

(iii) if it concludes that the attorney engaged in conduct that was unprofessional but of an isolated and nonserious nature, the Panel shall state the facts and conclusions constituting unprofessional conduct and issue an admonition.

(2) If the hearing was on a lawyer's appeal of an admonition issued under Rule 8(d)(2), the Panel shall affirm or reverse the admonition.

VIII. RULE 9. PANEL PROCEEDINGS.

(m) Respondent's Appeal to Supreme Court.

a. Explanation of Need for Rule Change.

To implement the above proposed rule change to Rule 9(j), it will also be necessary to propose amendment to Rule 9(m).

b. Proposed Rule Change.

(m) Respondent's Appeal to Supreme Court. The lawyer may appeal ~~the~~ a Panel's affirmance of the Director's admonition or an admonition issued by a Panel by filing a notice of appeal and seven copies thereof with the Clerk of Appellate Courts and by serving a copy on the Director within 30 days after being notified of the Panel's action. The respondent shall be denominated by number or randomly selected initials in the proceeding. This Court may review the matter on the record or order such further proceedings as it deems appropriate. Upon conclusion of such proceedings, the Court may either affirm the decision or make such other disposition as it deems appropriate.

IX. RULE 10. DISPENSING WITH PANEL PROCEEDINGS.

(b) Admission.

a. Explanation of Need for Rule Change.

Elimination of Remnant of Conditional Admission Rule. In 1986 the Court deleted from Rule 13 ("answer to petition") a provision allowing a respondent to file a conditional admission as part of the answer. The Board petitioned for this change, in the wake of Norman Perl's conditional admission. There was an oversight at this time, that conditional admissions were also contemplated by Rule 10(b). This remnant should now be deleted, for consistency's sake.

b. Proposed Rule Change.

RULE 10. DISPENSING WITH PANEL PROCEEDINGS

(b) Admission, or Tender of Conditional

~~Admission:~~ If the lawyer admits some or all charges, ~~or tenders and admission of some or all charges~~ ~~conditioned upon a stated disposition,~~ the Director may dispense with some or all procedures under Rule 9 and file a petition for disciplinary action together with the lawyer's ~~admission, or tender of conditional admission.~~ This Court may act thereon with or without any of the procedures under Rules 12, 13, or 14. ~~If this Court rejects a tender or conditional admission, the matter may be remanded for proceedings under Rule 9.~~

X. RULE 10. DISPENSING WITH PANEL PROCEEDING.

(c) Criminal Conviction.

a. Explanation of Need for Rule Change.

Panel ByPass for Guilty Pleas to Criminal Charges.

Rule 10(c) provides for dispensing with Panel proceedings on the Board Chair's approval upon conviction of certain serious crimes. The judgment of conviction is not entered typically until after a pre-sentence investigation, sometimes producing a period of several months between guilty plea (or verdict) and conviction. The disciplinary petition can be expedited if it can be filed without Panel hearing upon the guilty plea, without waiting for the criminal conviction.

b. Proposed Rule Change.

(c) Criminal Conviction or Guilty Plea. If a lawyer pleads guilty to or is convicted of a felony under Minnesota statutes, a crime punishable by incarceration for more than one year under the laws of any other jurisdiction, or any lesser crime a necessary element of which involves interference with the administration of justice, false

swearing, misrepresentation, fraud, willful extortion, misappropriation, theft, or an attempt, conspiracy, or solicitation of another to commit such a crime, the Director may either submit the matter to a Panel or, with the approval of the ~~chairman~~ Chair of the Board, file a petition under Rule 12.

(d) **Other Serious Matters.** In matters in which there are an attorney's admissions, civil findings, or apparently clear and convincing documentary evidence of an offense of a type for which the Court has suspended or disbarred lawyers in the past, such as misappropriation of funds, repeated non-filing of personal income tax returns, flagrant non-cooperation including failure to attend a pre-hearing meeting, fraud and the like, the Director may either submit the matter to a Panel or upon a motion made with notice to the attorney and approved by the Panel eChair, file the petition under Rule 12.

(e) **Additional Charges.** If a petition under Rule 12 is pending before this Court, the Director must present the matter to the Panel eChair, or if the matter was not heard by a Panel, to the Board eChair, or vVice-eChair, for approval before amending the petition to include additional charges based upon conduct committed before or after the petition was filed.

XI. RULE 12. PETITION FOR DISCIPLINARY ACTION.

(a) Petition.

a. Explanation of Need for Rule Change.

Public Probation Revocations. For about six or seven years the Director's Office has filed petitions for revocation of

probations, which had been imposed by the Supreme Court, without first presenting the matter to a Lawyers Board Panel. The theory for doing so has been one of continuing jurisdiction. The practice has been unchallenged by respondent attorneys. However, this theory is not explicitly stated in the Rules of Professional Conduct. The rule should be amended to clarify and ratify this practice as follows:

b. Proposed Rule Change.

RULE 12. PETITION FOR DISCIPLINARY ACTION

(a) **Petition.** When so directed by a Panel or by this Court or when authorized under Rule 10 or this Rule, the Director shall file with this Court a petition for disciplinary action. An original and seven copies shall be filed. The petition shall set forth the unprofessional conduct charges. When a lawyer is subject to a probation ordered by this Court and the Director concludes that the lawyer has breached the conditions of the probation or committed additional serious misconduct, the Director may file with this Court a petition for revocation of probation and further disciplinary action.

XII. RULE 12. PETITION FOR DISCIPLINARY ACTION.

(d) Reciprocal Discipline.

a. Explanation of Need for Rule Change.

The numbers of lawyers admitted to practice in more than one jurisdiction is steadily increasing. In 1989 alone, there were four matters filed or pending in the Director's Office in which the attorney had been disciplined or was subject to public disciplinary charges in another jurisdiction. The attorney primarily practiced in the other jurisdiction in each situation. A reciprocal discipline rule is needed to deal efficiently with such situations. There should be no need for a further probable cause review in Minnesota when disciplinary actions have already been made publicly against an attorney in another jurisdiction. The ABA Model Rule (attached at A. 1) provides, in effect, for the second jurisdiction to give presumptive validity to the disciplinary determination of the first jurisdiction. That

operating principle is incorporated in the more succinct version of the rule proposed below. The ABA Model Rule seems over-elaborate and is condensed as follows.

b. Proposed Rule Change.

RULE 12. PETITION FOR DISCIPLINARY ACTION

(d) Reciprocal Discipline. Upon learning from any source that a lawyer licensed to practice in Minnesota has been publicly disciplined or is subject to public disciplinary charges in another jurisdiction, the Director may commence an investigation and, without further proceedings, may file a petition for disciplinary action in this Court. A lawyer subject to such charges or discipline shall notify the Director. If the lawyer has been publicly disciplined in another jurisdiction, this Court may issue an order directing that the lawyer and the Director inform the Court within thirty (30) days whether either or both believe the imposition of the identical discipline by this Court would be unwarranted and the reasons for that claim. Without further proceedings this Court may thereafter impose the identical discipline unless it appears that discipline procedures in the other jurisdiction were unfair, or the imposition of the same discipline would be unjust or substantially different from discipline warranted in Minnesota. If this Court determines that imposition of the identical discipline is not appropriate, it may order such other discipline or such other proceedings as it deems appropriate. Unless the Court determines otherwise, a final adjudication in another jurisdiction that a lawyer had committed certain misconduct shall establish conclusively

the misconduct for purposes of disciplinary proceedings in Minnesota.

XIII. RULE 15. DISPOSITION; PROTECTION OF CLIENTS.

(c) Petition For Rehearing.

a. Explanation of Need for Rule Change.

Effect of Petition for Rehearing. Clarification is needed regarding the effect on a disciplinary order of a petition for rehearing. In two recent cases, lawyers suspended by orders of the Minnesota Supreme Court petitioned for rehearing and inquired by letters whether their petitions automatically stayed their suspensions pursuant to Rule 140.03, Rules of Civil Appellate Procedure. The Court indicated that the petition for rehearing did not stay a suspension order. This policy of the Court should be codified as follows:

b. Proposed Rule Change.

RULE 15. DISPOSITION; PROTECTION OF CLIENTS

(c) Petition For Rehearing. A petition for rehearing may be filed regarding an order of the Court under this rule, by following the procedures of Rule 140, Rules of Civil Appellate Procedure. The filing of a petition for rehearing shall not stay this Court's order.

XIV. RULE 16. TEMPORARY SUSPENSION PENDING DISCIPLINARY PROCEEDINGS.

(d) Hearing; Disposition.

a. Explanation of Need for Rule Change.

To correct a typographical error which occurred when the Rules were last amended.

b. Proposed Rule Change.

RULE 16. TEMPORARY SUSPENSION PENDING DISCIPLINARY PROCEEDINGS.

(d) Hearing; Disposition. If this Court after hearing finds a continuation of the lawyer's authority

to practice law may result in risk of injury to the public, it may enter an order suspending the lawyer pending ~~full~~ final determination of disciplinary proceedings.

XV. RULE 18. REINSTATEMENT.

- (a) Petition for Reinstatement.
- (e) General Requirements for Reinstatement.
- (f) Reinstatement by Affidavit.

a. Explanation of Need for Rule Change.

The present language does not provide any mechanism for reinstatement by affidavit. For short suspensions, reinstatement by petition is too time consuming. Discipline orders have not always specified whether reinstatement is by affidavit or petition. The proposed rule would provide for reinstatement by affidavit for suspensions of 90 days or less.

The present rule does not provide any mechanism for reinstatement of an attorney who has been transferred to disability inactive status. The proposed rule includes a reinstatement procedure for disabled lawyers.

A lawyer whose intentional dishonesty results in loss to a client, with the loss compensated by the Client Security Board, should not be reinstated without satisfying the Board's subrogation claim against the lawyer. The rule change below adds this condition to the general requirements for reinstatement. Rule 18(e) is subdivided in the proposal, for clarity.

b. Proposed Rule Change.

RULE 18. REINSTATEMENT.

(a) Petition for Reinstatement. ~~A-suspended, disbarred,--or-resigned-lawyer's~~ A petition for reinstatement to practice law shall be served upon the Director and the President of the State Bar Association. The original petition, with proof of service, and seven copies, shall then be filed with this Court.

[No change in subdivisions (b), (c), or (d).]

(e) General Requirements for Reinstatement.

(1) Unless such examination is specifically waived by this Court, no lawyer ordered reinstated to the practice of law after having been disbarred by this Court shall be effectively reinstated until the lawyer 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,--and-no.

(2) No lawyer ordered reinstated to the practice of law after having been suspended or transferred to disability inactive status by this Court, and after petitioning for reinstatement under subdivision (a), shall be effectively reinstated until the lawyer shall have successfully completed such written examination as may be required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility.

(3) Unless specifically waived by this Court, any lawyer suspended for a fixed period of ninety (90) days or less, and any suspended lawyer for whom the Court waives the requirements of subdivisions (a) through (d), must, within one year from the date of the suspension order, successfully complete such written examination as may be required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility. Except

upon motion and for good cause shown, failure to successfully complete this examination shall result in automatic suspension of the lawyer effective one year after the date of the original suspension order.

(4) Unless specifically waived by this Court, no lawyer shall be reinstated to the practice of law following the lawyer's suspension, or disbarment, or transfer to disability inactive status by this Court until the lawyer shall have satisfied (1) the requirements imposed under the rules for Continuing Legal Education on members of the bar as a condition to a change from a restricted to an active status; and (2) any subrogation claim against the lawyer by the Client Security Board.

(f) Reinstatement by Affidavit. Unless otherwise ordered by this Court, subdivisions (a) through (d) shall not apply to lawyers who have been suspended for a fixed period of ninety (90) days or less. Such a suspended lawyer, and any suspended lawyer for whom the Court waives the requirements of subdivisions (a) through (d), may apply for reinstatement by filing an affidavit with the Clerk of Appellate Courts and the Director, stating that the suspended lawyer has complied with Rules 24 and 26 of these rules, is current in Continuing Legal Education requirements, and has complied with all other conditions for reinstatement imposed by the Court. After receiving the lawyer's

affidavit, the Director shall promptly file a proposed order and an affidavit regarding the lawyer's compliance or lack thereof with the requirements for reinstatement. The lawyer may not resume the practice of law unless and until this Court issues a reinstatement order.

XVI. RULE 20. CONFIDENTIALITY; EXPUNCTION
(a) General Rule.

a. Explanation of Need for Rule Change.

Some complainants, other members of the public and legislators have voiced concern regarding the complainant's right to see the respondent's response to the complaint. As a matter of practice, most respondents' responses are already furnished to complainants, but it is a matter of discretion with the investigator. The proposed amendment would remove the investigator's discretion so that the client-complainant would always see the respondent's response. If the complainant is not a client, disclosure of the response would remain a matter of discretion. In such cases as the litigation adversary being the complainant, rather than the client, the response often would not be furnished.

b. Proposed Rule Change.

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) If the complainant is, or at the time of the actions complained of was, the lawyer's client, the lawyer shall furnish to the complainant copies of the lawyer's written responses to investigation requests by the Director and District Ethics Committee, except that insofar as a response does not relate to the client's complaint or involves information as to which another client has a privilege that portion may be deleted.

~~(5)~~(6) Where permitted by this Court; or

~~(6)~~(7) Where required or permitted by these Rules.

~~(7)~~(8) 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)~~(9) 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.

XVII. RULE 21. PRIVILEGE: IMMUNITY.

(b) Immunity.

a. Explanation of Need for Rule Change.

Probation supervisors are typically volunteers who give their time and services to aid in the administration of probations imposed by this Court or entered into by agreement. Such supervisors should have the same immunity protection that others in the professional responsibility system do.

b. Proposed Rule Change.

RULE 21 PRIVILEGE: IMMUNITY

(b) Immunity. Board members, other Panel members, District Committee members, the Director, and the Director's staff, and those entering into agreements with the Director's Office to supervise probations, shall be immune from suit for any conduct in the course of their official duties.

XVIII. RULE 24. COSTS AND DISBURSEMENTS.

(b) Disbursements.

a. Explanation of Need for Rule Change.

Under the present language, the prevailing party may not recover disbursements incurred prior to the filing of the

petition, i.e. during the initial investigation of the complaint or during Panel or pre-Panel proceedings. However, in a disciplinary proceeding, much of the discovery must be completed before the filing of the petition. In a complicated case, depositions and other pre-petition litigation may be substantial. The Supreme Court and the 1987 Attorney Registration Committee appointed by the Court approved two recommendations made by the LPRB for more costs of the disciplinary system to be borne by those attorneys whose conduct requires public discipline (viz. an increase in the costs from \$500 to \$750 and assessment of reasonable attorney's fees in cases of bad faith). It would be consistent with this policy to allow the prevailing party in a disciplinary proceeding to recover disbursements normally assessed in civil actions, regardless of whether the expense was incurred before or after the filing of a petition.

A second change is also appropriate. The language "disbursements necessarily incurred" should be changed to "reasonable disbursements incurred" to conform to Minn. Stat. § 549.04, which was similarly amended in 1983.

b. Proposed Rule Change.

RULE 24. COSTS AND DISBURSEMENTS

(b) **Disbursements.** Unless otherwise ordered by this Court, the prevailing party in any disciplinary proceedings decided by this Court shall recover, in addition to the costs specified in subdivision (a), all reasonable 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 initiation of the investigation and normally assessed in appellate proceedings in this Court together-with these-which-are or normally recoverable by the prevailing party in civil actions in the district court.

XIX. RULE 26. DUTIES OF DISCIPLINE OR RESIGNED LAWYER.

- (a) Notice to Clients in Non-Litigation Matters.
- (b) Notice to Parties and Tribunal in Litigation.
- (c) Manner of Notice.
- (d) Client Papers and Property.
- (e) Proof of Compliance.
- (f) Maintenance of Records.
- (g) Condition of Reinstatement.

a. Explanation of Need for Rule Change.

The present rule requires suspended, disbarred, or resigned lawyers to notify certain clients of their "inability to represent the client." In some cases, attorneys have complied with this rule by sending letters which make it appear that they are going out of town on an extended vacation. (See for example A.2, A.3) Lawyers should be required to inform the clients that they have been suspended or disbarred, and should be required to send the clients a copy of the suspension or disbarment order so that the clients will know why the attorney has been suspended or disbarred. The client would then be able to make an informed choice about whether to engage the lawyer's services again after reinstatement.

The present Rule 26 does not require a disabled lawyer to send any Rule 26 notices. Since clients of disabled lawyers also need to be aware that the lawyers cannot represent them, Rule 26 notices should be required for disabled lawyers. If the attorney is so disabled that compliance with this rule is impossible, the Court in its disability transfer order could specify that the lawyer need not comply.

The present rule requires certain notices to be sent to opposing counsel. The proposed rule requires the notices to be sent to opposing parties acting pro se, in addition to opposing counsel.

Finally, although the present rule requires that notices be sent by certified mail, the affidavit need not attach proof of certified mailing. The proposed rule requires such proof, in order to assist the Director's Office in verifying compliance.

b. Proposed Rule Change.

RULE 26. DUTIES OF DISCIPLINED, DISABLED OR RESIGNED
LAWYER

- (a) Notice to clients in non-litigation matters. Unless this Court orders otherwise, a

disbarred, suspended or resigned lawyer, or a lawyer transferred to disability inactive status, shall notify each client being represented in a pending matter other than litigation or administrative proceedings of the ~~disbarred, suspended or resigned lawyer's inability to represent the client.~~ lawyer's disbarment, suspension, resignation, or disability. The notification shall urge the client to seek legal advice of the client's own choice elsewhere, and shall include a copy of the Court's order.

(b) Notice to parties and tribunal in litigation. Unless this Court orders otherwise, a disbarred, suspended or resigned lawyer, or a lawyer transferred to disability inactive status, shall notify each client, opposing counsel (or opposing party acting pro se) and the tribunal involved in pending litigation or administrative proceedings of the ~~disbarred, suspended or resigned lawyer's inability to represent the client.~~ lawyer's disbarment, suspension, resignation, or disability. The notification to the client shall urge the prompt substitution of other counsel in place of the disbarred, suspended, or resigned, or disabled lawyer, and shall include a copy of the Court's order.

(c) Manner of Notice. Notices required by this Rule shall be sent by certified mail, return receipt requested, within ten (10) days of the ~~disbarment, suspension or resignation~~ Court's order.

(d) **Client Papers and Property.** A disbarred, suspended, ~~or resigned~~ or disabled lawyer shall make arrangements to deliver to each client being represented in a pending matter, litigation or administrative proceeding any papers or other property to which the client is entitled.

(e) **Proof of Compliance.** Within fifteen (15) days after the effective date of the ~~disbarment,~~ ~~suspension-or-resignation~~ Court's order, the disbarred, suspended, ~~or resigned~~ or disabled lawyer shall file with the Director an affidavit showing:

(1) That the affiant has fully complied with the provisions of the order and with this Rule;

(2) All other State, Federal and administrative jurisdictions to which the affiant is admitted to practice; and

(3) The residence or other address where communications may thereafter be directed to the affiant.

Copies of all notices sent by the disbarred, suspended, ~~or resigned~~ or disabled lawyer shall be attached to the affidavit, along with proof of mailing by certified mail.

(f) **Maintenance of Records.** A disbarred, suspended, ~~or resigned~~ or disabled lawyer shall keep and maintain records of the actions taken to comply with this Rule so that upon any subsequent proceeding being instituted by or against the disbarred, suspended, ~~or resigned~~ or disabled lawyer, proof of compliance

with this Rule and with the disbarment, suspension,
~~or~~ resignation or disability order will be
available.

(g) Condition of Reinstatement. Proof of
compliance with this Rule shall be a condition precedent
to any petition or affidavit for reinstatement made by a
disbarred, suspended, ~~or~~ resigned or disabled
lawyer.

XX. RULE 27. TRUSTEE PROCEEDING.

a. Explanation of Need for Rule Change.

If disabled lawyers are generally required to comply
with Rule 26, then Rule 27(a) needs to be changed to reflect that
requirement.

b. Proposed Rule Change.

RULE 27. TRUSTEE PROCEEDING

(a) Appointment of Trustee. Upon a showing
that a lawyer is unable to properly discharge
responsibilities to clients due to disability,
disappearance or death, or that a suspended, disbarred,
~~or~~ resigned or disabled lawyer has not complied with
Rule 26, and that no arrangement has been made for
another lawyer to discharge such responsibilities, this
Court may appoint a lawyer to serve as the trustee to
inventory the files of the disabled, disappeared,
deceased, suspended, disbarred or resigned lawyer and to
take whatever other action seems indicated to protect
the interests of the clients and other affected parties.

XXI. RULES 1(2), (3) and (6), 3, 4, 6, 7, 8, 9, and 14(f).

a. Explanation of Need for Rule Change.

In the present rules, the terms "Chairman" and "Vice-Chairman" are used throughout, with the exception of Rules 10 and 20(d)(2), which use the terms "Chair" and "Vice-Chair." It is proposed that the non-gender specific terminology of Rule 10 be used throughout the RLPR.

b. Proposed Rule Change.

RULE 1. DEFINITIONS

As used in these Rules:

(2) "~~Chairman~~" "Chair" means the ~~Chairman~~ Chair of the Board.

(3) "Executive Committee" means the committee appointed by the "~~Chairman~~" Chair under Rule 4(d).

(6) "District ~~Chairman~~ Chair" means the ~~Chairman~~ Chair of a District Bar Association's Ethics Committee.

RULE 3. DISTRICT ETHICS COMMITTEE.

(a) Composition. Each District Committee shall consist of:

(1) A ~~Chairman~~ Chair appointed by this Court for such time as it designates and serving at the pleasure of this Court but not more than six years as ~~Chairman~~ Chair; and

(2) Four or more persons whom the District Bar Association (or, upon failure thereof, this Court) may appoint to three-year terms except that shorter terms shall be used where necessary to

assure that approximately one-third of all terms expire annually. No person may serve more than two three-year terms, in addition to any additional shorter term for which the person was originally appointed and any period served as District ~~Chairman~~ Chair. At least 20 percent of each District Committee's members shall be nonlawyers. Every effort shall be made to appoint lawyer members from the various areas of practice. The Board shall monitor District Committee compliance with this objective and the District Committee shall include information on compliance in its annual report to the Court.

(b) **Duties.** The District Committee shall investigate complaints of lawyers' alleged unprofessional conduct and make reports and recommendations thereon as provided in these Rules in a format prescribed by the Executive Committee. It shall meet at least annually and from time to time as required. The District ~~Chairman~~ Chair shall prepare and submit an annual report to the Board and this Court in a format specified by the Executive Committee and make such other reports as the Executive Committee may require.

RULE 4. LAWYERS PROFESSIONAL RESPONSIBILITY BOARD

(a) **Composition.** The Board shall consist of:

(1) A Chairman Chair appointed by this Court for such time as it designates and serving

at the pleasure of this Court but not more than six years as Chairman Chair; and

(2) Thirteen lawyers having their principal office in this state, six of whom the Minnesota State Bar Association may nominate, and nine nonlawyers resident in this State, all appointed by this Court to three-year terms except that shorter terms shall be used where necessary to assure that as nearly as may be one-third of all terms expire each February 1. No person may serve more than two three-year terms, in addition to any additional shorter term for which the person was originally appointed and any period served as Chairman Chair. To the extent possible, members shall be geographically representative of the state and lawyer members shall reflect a broad cross section of areas of practice.

(b) Compensation. The Chairman Chair, other Board members, and other panel members shall serve without compensation, but shall be paid their reasonable and necessary expenses incurred in the performance of their duties.

(c) Duties. The Board shall have general supervisory authority over the administration of the Office of Lawyers Professional Responsibility and these Rules, and may, from time to time, issue opinions on questions of professional conduct. The Board shall prepare and submit to this Court an annual report covering the operation of the lawyer discipline and

disability system. The Board may elect a Vice-Chairman Chair and specify the Vice-Chairman's Chair's duties.

(d) **Executive Committee.** The Executive Committee, consisting of the Chairman Chair, and two lawyers and two nonlawyers designated annually by the Chairman Chair, shall be responsible for carrying out the duties set forth in these Rules and for the general supervision of the Office of Lawyers Professional Responsibility. The Executive Committee shall act on behalf of the Board between Board meetings. If requested by the Executive Committee, it shall have the assistance of the State Court Administrator's office in carrying out its responsibilities. Members shall have served at least one year as a member of the Board prior to appointment to the Executive Committee. Members shall not be assigned to Panels during their terms on the Executive Committee.

(e) **Panels.** The Chairman Chair shall divide the Board into Panels, each consisting of not less than three Board members and at least one of whom is a nonlawyer, and shall designate a Chairman Chair and a Vice-Chairman Chair for each Panel. Three Panel members, at least one of whom is a nonlawyer and at least one of whom is a lawyer, shall constitute a quorum. No Board member shall be assigned to a matter in which disqualification would be required of a judge under Canon 3 of the Code of Judicial Conduct. The Board's Chairman Chair or the Vice-Chairman Chair may designate substitute Panel members from

current or former Board members or current or former District Committee members for the particular matter, provided, that any panel with other than current Board members must include at least one current lawyer Board member. A Panel may refer any matters before it to the full Board, excluding members of the Executive Committee.

RULE 6. COMPLAINTS.

(b) Notification: Referral.

Incorporated into Section IV, page 5 above.

RULE 7. DISTRICT COMMITTEE INVESTIGATION.

(a) Assignment; Assistance. The District Chairman Chair may investigate or assign investigation of the complaint to one or more of the Committee's members, and may request the d Director's assistance in making the investigation. The investigation may be conducted by means of written and telephonic communication and personal interviews.

(b) Report. The investigator's report and recommendations shall be submitted for review and approval to the District Chairman Chair, the Chairman Chair's designee or to a committee designated for this purpose by the District Chairman Chair, prior to its submission to the Director. The report shall include a recommendation that the Director:

(1) Determine that discipline is not warranted;

- (2) Issue an admonition;
- (3) Refer the matter to a Panel; or
- (4) Investigate the matter further.

If the report recommends discipline not warranted or admonition, the investigator shall include in the report a draft letter of disposition in a format prescribed by the Director.

(c) Time. The investigation shall be completed and the report made promptly and, in any event within 45 days after the District Committee received the complaint, unless good cause exists. If the report is not made within 45 days, the District Chairman Chair or the Chairman Chair's designee within that time shall notify the Director of the reasons for the delay. If a District Committee has a pattern of responding substantially beyond the 45 day limitation, the Director shall advise the Board and the Chairman Chair shall seek to remedy the matter through the President of the appropriate District Bar Association.

(d) Removal. The Director may at any time and for any reason remove a complaint from a District Committee's consideration by notifying the District Chairman Chair of the removal.

RULE 8. DIRECTOR'S INVESTIGATION.

(c) Investigatory Subpoena. With the Board Chairman Chair or Vice-Chairman Chair's approval upon the Director's application showing that it is necessary to do this before issuance of charges under

Rule 9(a), the Director may subpoena and take the testimony of any person believed to possess information concerning possible unprofessional conduct of a lawyer. The examination shall be recorded by such means as the Director designates. The District Court of Ramsey County shall have jurisdiction over issuance of subpoenas and over motions arising from the examination.

(d) **Disposition.**

(1) Determination Discipline Not Warranted.

If, in a matter where there has been a complaint, the Director concludes that discipline is not warranted the Director shall so notify the lawyer involved, the complainant, and the ~~Chairman~~ Chair of the District Committee, if any, that has considered the complaint. The notification:

* * *

(2) Admonition. In any matter, with or without a complaint, if the Director concludes that a lawyer's conduct was unprofessional but of an isolated and nonserious nature, the Director may issue an admonition. The Director shall notify the lawyer in writing: * * *

(iv) That unless the lawyer so demands, the Director after that time will notify the complainant, if any, and the ~~Chairman~~ Chair of the District Committee, if any, that has considered the complaint, that

the Director has issued the
admonition.

RULE 9. PANEL PROCEEDINGS.

(a)(2)(4), (c), (e)(3), (g), (h)(3), (i)(1), (l) and (o)

(a) Charges; Setting Pre-Hearing Meeting.

* * *

(2) The name, address, and telephone number
of the Panel Chairman Chair and
Vice-Chairman Chair; * * *

(4) The lawyer's obligation to appear at the
time set unless the meeting is rescheduled by
agreement of the parties or by order of the Panel
Chairman or Vice-Chairman Chair.

(c) Request for Admission. Either party may
serve upon the other a request for admission. The
request shall be made before the pre-hearing meeting or
within ten days thereafter. The Rules of Civil
Procedure for the District Courts applicable to
requests for admissions govern, except that the time
for answers or objections is ten days and the Panel
Chairman Chair or Vice-Chairman Chair shall
rule upon any objections. If a party fails to admit,
the Panel may award expenses as permitted by the Rules
of Civil Procedure for District Courts.

(f) Setting Panel Hearing.

* * *

(3) The lawyer's obligation to appear at the
time set unless the hearing is rescheduled by

agreement of the parties or by order of the Panel Chairman Chair or Vice-Chairman Chair.

The Director shall also notify the complainant, if any, of the hearing's time and place. The Director shall send each Panel member a copy of the charges, of any stipulations, and of the pre-hearing statement. Each party shall provide to each Panel member in advance of the Panel hearing, copies of all documentary exhibits marked by that party at the pre-hearing meeting, unless the parties agree otherwise or the Panel Chairman Chair or Vice-Chairman Chair orders to the contrary.

(g) **Referee Probable Cause Hearing.** Upon the certification of the Panel Chairman Chair and the Board Chairman Chair to the Court that extraordinary circumstances indicate that a matter is not suitable for submission to a Panel under this Rule, because of exceptional complexity or other reasons, the Court may appoint a referee with directions to conduct a probable cause hearing acting as a Panel would under this Rule, or the Court may remand the matter to a Panel under this Rule with instructions, or the Court may direct the Director to file with this Court a petition for disciplinary action under Rule 12(a). If a referee is appointed to substitute for a Panel, the referee shall have the powers of a district court judge and Ramsey County District Court shall not exercise such powers in such case. If the referee so appointed

(1) The Chairman Chair shall explain that the hearing's purpose is to determine whether there is probable cause to believe that public discipline is warranted on each charge, and that the Panel will terminate the hearing on any charge whenever it is satisfied that there is or is not such probable cause (or, if an admonition has been issued under Rule 8(d)(2) or 8(e), that the hearing's purpose is to determine whether the panel should affirm the admonition on the ground that it is supported by clear and convincing evidence, should reverse the admonition, or, if there is probable cause to believe that public discipline is warranted, should instruct the Director to file a petition for disciplinary action in this Court);

(1) **Complainant's Petition for Review.** If not satisfied with the Panel's disposition, the Complainant may within 14 days file with the Clerk of the Appellate Courts a petition for review. The clerk shall notify the respondent and the Board Chairman Chair of the petition. The respondent shall be denominated by number or randomly selected initials in the proceeding. This Court will grant review only if the petition shows that the Panel acted arbitrarily, capriciously, or unreasonably. If the Court grants review, it may order such proceedings as it deems appropriate. Upon conclusion of such proceedings, the Court may dismiss the petition or, if it finds that the Panel acted

arbitrarily, capriciously, or unreasonably, remand the matter to the same or a different Panel, direct the filing of a petition for disciplinary action, or take any other action as the interest of justice may require.

(o) Panel Chairman Chair Authority.

Requests or disputes arising under this Rule before the Panel hearing commences may be determined by the Panel Chairman Chair or Vice-Chairman Chair. For good cause shown, the Panel Chairman Chair or Vice-Chairman Chair may shorten or enlarge time periods for discovery under this Rule.

RULE 10. DISPENSING WITH PANEL PROCEEDINGS.

(b) Admission.

(c) Criminal Conviction.

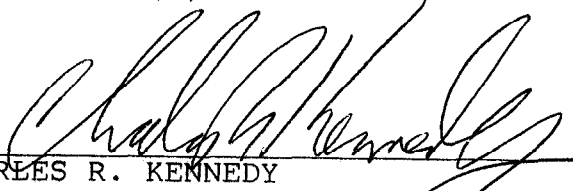
Incorporated into Sections X, pages 13-14 above.

RULE 14. HEARING ON PETITION FOR DISCIPLINARY ACTION.

(f) Panel as Referee. Upon written agreement of an attorney, the Panel Chairman Chair and the Director, at any time, this Court may appoint the Panel which is to conduct or has already conducted the probable cause hearing as its referee to hear and report the evidence submitted for or against the petition for disciplinary action. Upon such appointment, the Panel shall proceed under Rule 14 as

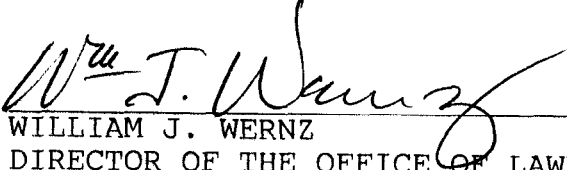
the Court's referee, except that if the Panel considers evidence already presented at the Panel hearing, a transcript of the hearing shall be made part of the public record. The District Court of Ramsey County shall continue to have the jurisdiction over discovery and subpoenas in Rule 9(d) and (h).

Dated: 10/2, 1990


CHARLES R. KENNEDY
CHAIRMAN,
LAWYERS PROFESSIONAL RESPONSIBILITY
BOARD

and

Dated: October 4, 1990


WILLIAM J. WERNZ
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 11599X
520 Lafayette Road, 1st Floor
St. Paul, MN 55155-4196
(612) 296-3952

RULE 22. RECIPROCAL DISCIPLINE.

A. Disciplinary Counsel Duty to Obtain Order of Discipline from Other Jurisdiction. Upon being disciplined in another jurisdiction, a lawyer admitted to practice in [name of state] shall promptly inform disciplinary counsel of the discipline. Upon notification from any source that a lawyer within the jurisdiction of the agency has been disciplined in another jurisdiction, disciplinary counsel shall obtain a certified copy of the disciplinary order and file it with the board and with the court.

B. Notice Served Upon Respondent. Upon receipt of a certified copy of an order demonstrating that a lawyer admitted to practice in [name of state] has been disciplined in another jurisdiction, the court shall forthwith issue a notice directed to the lawyer and to disciplinary counsel containing:

(1) A copy of the order from the other jurisdiction; and

(2) An order directing that the lawyer or disciplinary counsel inform the court, within [thirty] days from service of the notice, of any claim by the lawyer or disciplinary counsel predicated upon the grounds set forth in paragraph D, that the imposition of the identical discipline in this state would be unwarranted and the reasons for that claim.

C. Effect of Stay of Discipline in Other Jurisdiction. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this state shall be deferred until the stay expires.

D. Discipline to be Imposed. Upon the expiration of [thirty] days from service of the notice pursuant to the provisions of paragraph B, this court shall impose the identical discipline unless disciplinary counsel or the lawyer demonstrates, or this court finds that it clearly appears upon the face of the record from which the discipline is predicated, that:

(1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(2) There was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court could not, consistent with its duty, accept as final the conclusion on that subject; or

(3) The imposition of the same discipline by the court would result in grave injustice; or

(4) The misconduct established warrants substantially different discipline in this state.

If this court determines that any of those elements exists, this court shall enter such other order as it deems appropriate. The burden is on the party seeking different discipline in this jurisdiction to demonstrate that the imposition of the same discipline is not appropriate.

E. Conclusiveness of Adjudication in Other Jurisdictions. In all other aspects, a final adjudication in another jurisdiction that a lawyer has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this state.

Dear [REDACTED]

I have an inability to represent you until [REDACTED] I will be periodically out of town during this time, but I will be checking my telephone messages and my mail.

I have reviewed your file and I do not foresee that any action will be needed during this time, so I will be glad to resume representing you on [REDACTED] unless you advise me otherwise. In the event you do require legal representation in the meantime, I can readily arrange to have a capable attorney attend to anything that may occur. Otherwise, I urge you to seek legal advise of your own choice elsewhere.

Please let me know if you have any questions.

RECEIVED

July 27, 1990

SEP 17 1990

LAWYERS PROF RESP BOARD

Dear Mrs.

I will be moving from the Twin Cities area, and consequently, with your permission, I will be transferring your case to attorney

Mr. is a very experienced attorney, with 35 years experience. His office is located in

I will not be able to handle your case any longer, and I ask that you call Mr.

Please have your daughter inform him as to when your husband will be back in town.

It was a pleasure meeting you, and I wish you continued success.

I have the original summons, petition, and verification, at Mr. office, in your file.

Sincerely,

WMC:m