

STATE OF MINNESOTA
IN SUPREME COURT
A12-0163



In Re Petition for Disciplinary Action against
Shana Gail Buchanan, a Minnesota Attorney,
Registration No. 327311.

O R D E R

On January 23, 2012, respondent Shana Gail Buchanan was personally served with a petition for disciplinary action. Respondent failed to serve or file an answer. Based on respondent's default, the court deemed the allegations in the petition admitted by order dated March 22, 2012. *See* Rule 13, Rules on Lawyers Professional Responsibility (RLPR) (allegations in the petition are deemed admitted if respondent fails to file answer). After the parties submitted briefs regarding the appropriate discipline to be imposed, the matter was set for oral argument on October 8, 2012. Three weeks before oral argument, respondent filed a motion to vacate the court's order deeming the factual allegations admitted and to remand the case to a referee for an evidentiary hearing. The Director of the Office of Lawyers Professional Responsibility opposed the motion. The court heard oral argument in this case on October 8, 2012.

Based upon all of the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

- (1) respondent Shana Gail Buchanan is temporarily suspended from the practice of law, effective immediately from the date of this order;

(2) this matter is herewith referred to the Honorable Paul Nelson, District Judge of the Eighth Judicial District of the State of Minnesota, as referee pursuant to Rule 14(a), RLPR, to hear and to make and report his findings of fact, conclusions, and recommendations for the disposition of this matter to this court on or before February 26, 2013.

(3) the allegations in the petition for disciplinary action continue to be deemed admitted pursuant to this court's March 22, 2012, order, and the referee hearing will be limited to considering the presence of any mitigating factors related to respondent's mental health status;

(4) the referee, with assistance from the parties, shall establish a schedule for discovery, if necessary, and hearing that will permit the referee to timely complete the findings, conclusions, and recommendation;

(5) because respondent has raised the issue of her mental health as a possible mitigating factor in this case, respondent has waived the doctor-patient privilege, and respondent will provide the Director with timely access to her medical records, including but not limited to signing appropriate releases, that relate to the issue before the referee, *see* Rule 28(c), RPLP; and

(5) to the extent that the referee believes there are possible issues related to respondent's mental health status and her ability to either assist in her defense in these proceedings or to competently represent clients, the referee is authorized to expand the scope of the evidentiary hearing to include those issues and to appoint counsel to represent respondent, *see* Rule 28(a) and (c), RPLR.

Dated: October 26, 2012

BY THE COURT:

/s/

Alan C. Page
Associate Justice