

STATE OF MINNESOTA  
IN SUPREME COURT  
A12-0326



In re Petition for Disciplinary Action against  
Jill Eleanor Clark, a Minnesota Attorney,  
Registration No. 196988.

O R D E R

On February 23, 2012, the Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action against respondent Jill Eleanor Clark. The matter was referred to a referee, who scheduled an evidentiary hearing for June 25, 2012. Clark was hospitalized shortly before the evidentiary hearing, and her husband asked the referee to postpone the hearing because Clark was unable to properly prepare for the hearing due to her condition.

On June 28, 2012, the referee submitted recommendations to this court to: (1) transfer Clark to disability inactive status, pursuant to Rule 28(c), Rules on Lawyers Professional Responsibility (RLPR), due to Clark's assertion of disability and her inability to assist in her defense; (2) suspend the disciplinary proceedings until Clark was no longer disabled and was able to assist in her defense; and (3) refer the issues of Clark's asserted disability and inability to assist in her defense to the referee for appropriate findings after further information was submitted by the parties.

In an October 26, 2012, order, the court concluded that the record before it raised substantial questions regarding Clark's ability to assist in her defense in this matter and her ability to competently represent clients. The court referred the matter back to the referee to make findings and recommendations to the court regarding the nature of Clark's disability, whether Clark was able to assist in her defense in this matter, and whether Clark was able to competently represent clients.

On December 20, 2012, the referee filed his findings and recommendations with the court. The referee found that: Clark is disabled based on serious mental health issues she experienced during 2012; Clark was able to assist in her defense as of December 7, 2012, as evidenced by her participation at the evidentiary hearing; and as of December 7, 2012, and continuing into the foreseeable future, Clark cannot competently represent clients. The referee further recommended that: (1) Clark be transferred to disability inactive status because she cannot presently represent clients; (2) the underlying disciplinary action be stayed; and (3) if Clark is not placed on disability inactive status, that her ability to practice law be subject to several conditions.

In a December 26, 2012, filing, Clark stated that she was ordering transcripts related to the referee's December 20, 2012, findings and recommendations. Clark, however, has not filed any certificate as to transcript providing the anticipated delivery date for the transcripts and stating that satisfactory financial arrangements have been made for the transcripts.

On January 4, 2013, this court issued an order to show cause, requiring the parties to file by January 11, 2013, memoranda of law showing cause, if there be any, why Clark

should not be temporarily suspended until the court issues its decision on the referee's findings and recommendations. The Director filed a memorandum in response to this order. Clark, however, did not file a responsive memorandum.

“A lawyer whose physical condition [or] mental illness . . . prevents the lawyer from competently representing clients shall be transferred to disability inactive status.” Rule 28(a), RLPR. “If a lawyer alleges disability during a disciplinary . . . proceeding,” this court may “[t]ransfer the lawyer to disability inactive status” or “[m]ake such or further orders as the Court deems appropriate.” Rule 28(c), RLPR.

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

IT IS HEREBY ORDERED THAT:

1. Respondent Jill Eleanor Clark is temporarily suspended from the practice of law, effective immediately as of the date of this order. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing parties, and tribunals);
2. Within 30 days of the date of this order, respondent will file with the Clerk of Appellate Courts a copy of all transcripts she has ordered related to the referee's December 20, 2012, findings and recommendations.
3. Within 30 days of the filing of the transcripts, respondent shall file and serve 12 bound copies and 2 unbound copies of a brief addressing the referee's December 20, 2012, findings and recommendations, in the form provided in Minn. R. Civ. App. P. 132.02, except that text and footnotes shall appear in at least 13-point type or its equivalent. If respondent fails to file a transcript within the time provided by this order, then respondent shall file and serve her brief within 60 days of the date of this order.

4. Within 30 days after service of respondent's brief, the Director shall file and serve 12 bound copies and two 2 unbound copies of a brief addressing the referee's December 20, 2012, findings and recommendations, in the form provided in Minn. R. Civ. App. P. 132.02, except that text and footnotes shall appear in at least 13-point type or its equivalent.

5. If the court wishes to hear oral argument on the referee's December 20, 2012, findings and recommendations, the parties shall be notified of the time and place of the hearing.

Dated: January 16, 2013

BY THE COURT:

/s/

Alan C. Page  
Associate Justice

GILDEA, C.J., took no part in the consideration or decision of this case.