

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against BARBARA ANN NIMIS,
a Minnesota Attorney,
Registration No. 235428.

PETITION FOR
DISCIPLINARY ACTION

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

Upon the approval of a Lawyers Professional Responsibility Board Panel Chair, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(d) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 7, 1993. Respondent was suspended by order of this Court on May 3, 2012, for a minimum of 30 days for failing to maintain proper trust account books and records, and failing to cooperate with the Director's investigation. *In re Nimis*, 812 N.W.2d 830 (Minn. 2012). Within that order, the Court required that respondent successfully complete the professional responsibility portion of the state bar examination within one year, and that failure to do so would result in automatic re-suspension. *Id.* The order also stated that respondent was obligated to cooperate with the Director's investigation of any alleged misconduct as a condition of her probation, for a period of two years after her readmission. *Id.*

Respondent was conditionally reinstated to the practice of law on June 19, 2012. *In re Nimis*, 816 N.W.2d 479 (Minn. 2012). However, respondent failed to submit evidence that she had passed the professional responsibility portion of the state bar

exam within one year from her previous suspension. The Court thus revoked respondent's conditional readmission, and respondent was suspended by order of this Court dated June 26, 2013. *In re Nimis*, 832 N.W.2d 843 (Minn. 2013). Respondent remains suspended by order of this Court, and is also suspended for nonpayment of her attorney registration fees. Respondent resides in Mendota, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

1. On or about November 21, 2013, the Director received a court order referring to respondent's representation of a client in court file no. 19AV-FA-12-104. Within that order, the court made findings that respondent had: failed to comply with timelines set by the court; failed to respond to correspondence from counsel for the opposing party; brought an "improper and inaccurate" motion; failed to comply with applicable rules of court; failed to adequately prepare an attorney who had substituted for her on a court date; failed to provide notice of her withdrawal; failed to appear at a hearing regarding the award of attorney's fees to the opposing party; and provided inaccurate information regarding the status of the matter to her client (Dir. Ex. 1). Within that order, the court also awarded attorneys' fees in the amount of \$999, assessed against respondent.

2. The Director issued a notice of investigation based on the findings contained in the order referenced above, pursuant to the Director's authority under Rule 8(a), RLPR. That notice, dated November 26, 2013, was sent by U.S. Mail to the address listed for respondent in the Minnesota Attorney Registration System. Within that notice, the Director requested that respondent provide a written response within 14 days.

3. On December 16, 2013, not having heard from respondent, the Director sent a letter to respondent by U.S. Mail, requesting a response to the notice of investigation within 10 days.
4. On December 31, 2013, not having heard from respondent, the Assistant Director assigned to the matter sent an email message to respondent and left a message at respondent's telephone number, requesting contact from respondent as soon as possible.
5. On January 2, 2014, not having heard from respondent, the Director sent a letter to respondent by U.S. Mail, requesting a response to the notice of investigation within seven days.
6. On January 14, 2014, not having heard from respondent, the Director sent a letter to respondent by U.S. Mail, requesting that respondent appear at the Director's Office on January 23, 2014. A copy of that letter was sent to respondent's email address.
7. Respondent did not appear for the meeting scheduled on January 23, 2014.
8. On January 24, 2014, the Director sent a letter to respondent by U.S. Mail, requesting contact on or before February 3, 2014. A copy of that letter was sent to respondent's email address.
9. On February 24, 2014, not having heard from respondent, the Director served by mail charges of unprofessional conduct to respondent. Pursuant to Rule 9 (a)(1), RLPR, respondent was obligated to submit a response within 14 days to both the Director and to the Panel Chair. Respondent was notified of her obligation to do so. As of the date of this filing, no answer has been received by the Director or the Panel Chair.
10. Despite being obligated to respond to the Director's requests for information relating to a disciplinary complaint, and despite receiving at least eight communications from the Director requesting compliance, contact, and/or information, respondent has not communicated with the Director's Office since before November 21, 2013.

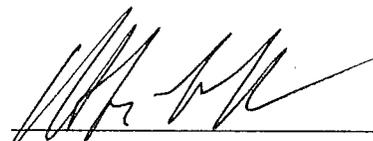
11. Respondent's conduct violated Rule 8.1(b), Minnesota Rules of Professional Conduct, and Rule 25(a), RLPR.

WHEREFORE, the Director respectfully prays for an order of this Court suspending respondent, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: March 28, 2014.

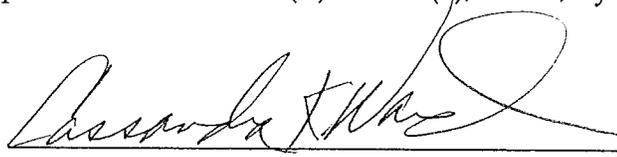

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and


ROBIN J. CRABB
SENIOR ASSISTANT DIRECTOR
Attorney No. 387303

This petition is approved for filing pursuant to Rules 10(d) and 12(a), RLPR, by the undersigned Panel Chair.

Dated: April 1, 2014.


CASSANDRA WARD BROWN
PANEL CHAIR, LAWYERS PROFESSIONAL
RESPONSIBILITY BOARD