

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:

At the direction of a Lawyers Professional Responsibility Board Panel, the Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition.

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on May 7, 1993. Respondent currently practices law in Mendota, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Non-Cooperation

1. Respondent maintains trust account no. 0-000-0502-1753, at US Bank, hereinafter "respondent's trust account."
 2. On October 22, 2010, respondent's trust account became overdrawn. Pursuant to Rule 1.15, Minnesota Rules of Professional Conduct (MRPC), US Bank reported the overdraft to the Director.
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3. On October 29, November 1, and November 3, 2010, respondent's account became overdrawn again. US Bank reported the overdrafts to the Director.

4. On November 2, 2010, the Director wrote respondent, enclosing a copy of the October 22, 2010, overdraft notice and requesting, within ten days, a written explanation for the overdraft with supporting documentation. At the time the letter was sent, the Director had not yet received the overdraft notices for the October 29, November 1, and November 3, 2010, overdrafts. Respondent failed to respond.

5. On November 17, 2010, the Director wrote respondent, enclosing the three additional overdraft notices and requesting the documents and information requested in the Director's November 2 letter within five days. Respondent failed to respond.

6. On December 6, 2010, the Director wrote respondent, requesting within ten days, the documents and information originally requested in the Director's November 2 letter. The Director's letter also informed respondent that this request was the last request the Director would make before converting the trust account inquiry into a formal disciplinary investigation. Respondent failed to respond.

7. On January 14, 2011, the Director sent respondent a notice of investigation regarding the trust account overdrafts set forth above. The Director's notice requested, within 14 days, that respondent provide her trust account books and records from August 2010 to the present, and a detailed explanation for respondent's failure to respond to the Director's letters from November 2010 to the present. Respondent failed to respond.

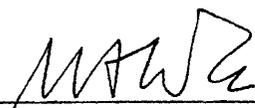
8. On February 7, 2011, the Director wrote to respondent requesting an immediate response to the January 14, 2011, notice of investigation. Respondent failed to respond.

9. On February 23, 2011, the Director wrote respondent, requesting respondent attend a meeting at the Director's Office on March 1, 2011, at 2:00 p.m. Respondent failed to attend the March 1 meeting.

10. Respondent's conduct violated Rule 8.1(b), MRPC, and Rule 25, Rules on Lawyers Professional Responsibility.

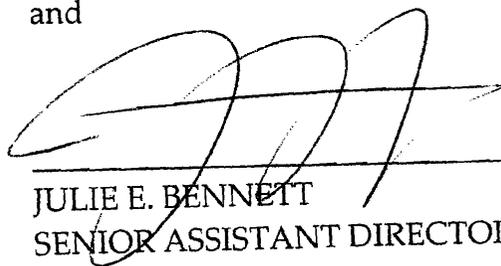
WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: June 16, 2011.



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